

## How Republics Die

# Studies in Ancient Civil War



Edited by

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## Volume 4

# How Republics Die

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Creeping Authoritarianism in Ancient Rome and Beyond

Edited by  
Frederik Juliaan Vervaet, David Rafferty  
and Christopher J. Dart

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# Editorial Statement

Civil war has shaped the course of civilisations, and studying this multifaceted phenomenon offers invaluable insight into the cohesive forces and disintegrative potentials of human culture. Yet our understanding of how polarisation, violent disintegration, and reconciliation transformed the ancient world remains limited to date. Against this backdrop, the new book series *Studies in Ancient Civil War (StACW)* provides a unique and timely academic forum for exploring the processes and implications of civil war in antiquity, from factionalisation and destructive internal strife to reintegration and reconstruction. Interconnecting historical, philological, and archaeological perspectives, this peer-reviewed series covers the wider Mediterranean world and the Near East from the second millennium BCE through the first millennium CE. It seeks to deepen our understanding of the profound impact that the collapse and reconstruction of political orders in civil wars had on ancient societies. The series welcomes outstanding monographs and edited volumes which explore any given aspect of the complex nature of ancient civil war (including its wider socio-political, cultural, and ideological implications), and which examine its lasting reverberations throughout time.

Henning Börm, Carsten Hjort Lange, Johannes Wienand



# Preface and Acknowledgements

The present volume has its origins in a conference that was held over three days at the University of Melbourne in July 2023 in conjunction with the University of Adelaide. While a significant portion of the chapters which follow derive from papers first given there, the project has evolved considerably since. The conference centred on two principal topics and encouraged participants to draw connections between the two. On the one hand we specifically discussed the evolution of the late Roman Republic through to the era of the autocratic rule of Augustus, reinterrogating this process from a diverse range of perspectives. On the other hand, we considered a wide scope of historical instances of the ‘decay’ of democratic/republican regimes and authoritarian takeovers all the way up to the present day. The aim of the conference was inherently comparative, that is, seeking to compare the Roman case both to other historical epochs and also to the contemporary global political moment. This endeavour was in part motivated by a desire, however naïve it might seem to some, to demonstrate the ongoing relevance and importance of history. The modern social and political ‘sandbox’ is undoubtedly different from that of the ancient world but many of the challenges faced, the threats made, and solutions applied by human beings, ancient and modern alike, remain analogous and can reasonably help to inform our understanding of both.

In turn, the impetus for producing this volume comes particularly from the concerns of the contemporary world, in which modern democracies face both significant internal and external challenges. The dangers faced by democracies seemed real enough to us in 2023 and in the course of editing this volume cause for concern has only grown. We already had a deep and long-standing interest in the late Roman Republic and in understanding the processes by which, in imprecise terms, the ‘Republic’ had become the ‘Empire’. After all, it has been a question of enduring interest to many generations of ancient historian but it is also one that raises an uncomfortable spectre in the minds of many. The semantics of this field are fraught with difficulty and will be addressed (albeit not exhaustively) in the introductory chapter but, in some respects Rome can be viewed as the historical example *par excellence* of a ‘free’ state turned to despotism: the Roman Republic was one of the longest enduring electoral (if partial) ‘democracies’ in human history, yet despite its power and achievements, reverted to a form of autocracy.

As such, while hoping to offer fresh insights into a momentous period of Roman history, the chapters that follow seek also to build connections to diverse topics and ideas, from ancient Greek thought on demagoguery to twentieth century dictatorships, authoritarianism in the twenty-first century and very contemporary concerns for our own world. With such a diversity of topics comes a diversity of positions, and hopefully the reader will note a range of interpretations are championed.<sup>1</sup> While they

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<sup>1</sup> Although no chapter argues that it is desirable for human beings to live under authoritarianism.

do not always fully align, this is by design and extends at times to an examination of the fundamental terminology which we use; what it means to be a demagogue, tyrant, autocrat, populist, dictator, or indeed, a state, a democracy or republic are relevant considerations and are touched on a number of times in the chapters that follow. Intellectual openness to a diversity of approaches and interpretations seemed particularly appropriate given the overarching topic and intent of this volume.

We would like to thank everyone who has generously contributed to this volume, helped to facilitate it, and to all those who participated in the original conference, both the speakers and attendees. This book was made possible through the support of a number of institutions, in particular through funding provided by the Australian Research Council,<sup>2</sup> and with supplemental funding from both the Faculty of Arts and the School of Historical and Philosophical Studies at the University of Melbourne. In particular, we would like to acknowledge the logistical support for the original conference provided by Leanne Hunt and the support given to the wider project by Professor Margaret Cameron (Head of the School of Historical and Philosophical Studies). We would also like to thank the editors of the *Studies in Civil War* series and the anonymous reviewers who provided much insightful feedback on draft manuscripts.

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<sup>2</sup> The 2023 conference and the subsequent chapters by the editors here were funded with support from the Australian Government through the Australian Research Council as part of the Discovery Project (DP210100870) and the Discovery Early Career Researcher Award (DE220101526) schemes.

The views expressed herein are those of the authors and are not necessarily those of the Australian Government or Australian Research Council.

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## Part 1: **The Death of the Roman Republic – Concepts**



Christopher J. Dart, David Rafferty, Frederik Juliaan Vervae

# New Perspectives on Old Problems/Old Perspectives on New Problems

What were the causes of the ‘fall’ of the Roman Republic? It is one of *the* great historical questions, akin to asking about the origins of the First World War. After all, beyond being one of the most momentous inflexion points within Roman history it is a question that is undeniably important for our understanding of much of the history of the Mediterranean world which followed it, the evolution of European political thought and the wider history of what might be considered ‘Western’ civilization<sup>1</sup>, as has been illuminated by the past several centuries of progressively ever-more-detailed scholarly research on ancient Rome. Furthermore, the inseparability of the modern political state globally from this lineage speaks to its ongoing broader relevance to everyone.

Increasingly, and somewhat ominously, questions about the ‘fall’ of the Roman Republic seem to hold new relevance to our understanding of the contemporary world and particularly to the trajectory of current forms of democratic government. Be it within scholarly literature, the mass media or wider public discourse there is considerable debate over the direction of democratic societies and the emerging threats posed to democratic systems of government. Democracies in today’s world face both significant external and internal challengers. This occurs across an increasingly diverse (or some might say *divided*) spectrum of socio-political positions; from those deeply committed to existing institutions and systems, who argue that they are under existential threat, to those seeking to drive change across a wide range of issues and in radically different (and opposing) directions. In a world that had, for a time at least, seemed to move beyond the Cold War, liberal democracies of the developed world exuded self-confidence that they would win a slow but inevitable victory: the virtues of pluralism and democracy had defeated first fascism and then Stalinism. This has been well and truly questioned. Larger, or at least much more vocal and visible parts of electorates in democratic societies seem to welcome the potential of democracy’s destruction, or at least its mutation into a radically distorted and authoritarian form.

In one of the modern world’s longest-surviving ‘democratic’<sup>2</sup> systems, the United States of America, the emergence of Trump, ‘Trumpism’ and the MAGA ‘movement’ over the past decade has not only exposed, and seemingly contributed to, a deepening

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1 We interpret Western civilization as the combined Atlantic polities of the early modern and modern era (and some of their colonial exponents, such as Australia and New Zealand).

2 Levitsky and Ziblatt (2023) cogently argue that the American Republic is only a “partial democracy”. Similarly, the Polity Project’s scale has ranked the U.S. as coming dangerously close to being

of, social and political polarisations within that country<sup>3</sup> but has openly threatened to change aspects of its foundational democratic, political and legal institutions and conventions. It has leveraged deep seated grievances to its advantage. In Europe there has been a resurgence in nationalist, populist and far-right political movements, often fuelled by fears over immigration and refugees, a perceived dilution of religious and/or national identity, and distrust of the political establishment. Over and above the potential significant ramifications for reshaping global geopolitics, these developments are relevant to all liberal democratic societies as the range of what is 'permissible' from political leaders is widened, social cohesion is challenged or attacked, and the guardrails of modern democracy are progressively broken through. Democracies such as Australia, with far less capacity than either Europe or the United States for global influence, must contemplate a world with diminished or unreliable democratic partners. After all these are threats which can be felt by all, as modern communication media have greatly expanded the reach and the speed with which (dis)information can be internationally exported.<sup>4</sup> Simultaneously, 'strongman' politics, leaders with autocratic tendencies and authoritarian regimes are resurgent across our world.

The re-election of Donald Trump as US President in November 2024 suggests that many citizens of the world's most powerful democracy have concluded either that they do not care about, or can look past, his most controversial previous acts. Irrespective of any long-term consequences in the legal proceedings brought against Donald Trump prior to the election, the notion that a convicted candidate with many more unresolved charges should secure a major party nomination, run and then win election marked a significant shift in the range of what is viewed as acceptable for a US presidential candidate. So too, public assertions that he intends to, on the one hand, further concentrate power in the role of the President, while radically scaling back parts of the US federal government and 'restoring' the American republic,<sup>5</sup> look at least superficially similar to the radical contraventions of traditional political norms in the face of assertions of restoration by Roman strongmen of the first century BCE. That said, a conundrum that has always been, and likely always will be, faced by free

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an 'anocracy'. For further discussion see the chapter by Vervae, Dart and Rafferty on 'reform unwillingness'.

3 On political polarisation see discussion in Klein (2020). In regard to 20<sup>th</sup> century Spain see discussion in the chapter by Pina Polo.

4 The dangerous power of misinformation was realised by Romans as is indicated by the famous observation of Virgil, *Aen.* 4.173: *Fama, malum qua non aliud velocius ullum; mobilitate viget, viresque acquirit eundo, parva metu primo, mox sese attollit in auras, ingrediturque solo, et caput inter nubila condit.* On disinformation see discussion in the chapter by Hill.

5 In the closing remarks of his nomination acceptance speech at the Republican National Convention on 18 July 2024 he asserted that, "we will save this country, we will restore the republic". See also further discussion of Donald Trump in the chapter by Simonton.

‘democracies’ is to what extent they should permit debate about, and actions that might dismantle, those same states.<sup>6</sup>

Questions about the ‘fall’ of the Roman Republic also hold relevance to our understanding to the trajectory of forms of modern democratic government for another reason. As has occurred many times in the past, Rome continues to be an easy target for appropriation. The world’s richest person, Elon Musk, posted to social media platform X on 14 June 2023 that “Perhaps we just need a modern day Sulla”.<sup>7</sup> Meta CEO Mark Zuckerberg has expressed admiration for Augustus, remarking in a 2018 interview that “he established two hundred years of world peace (. . .) that didn’t come for free, and he had to do certain things”.<sup>8</sup> These views are significant as these are currently not only two of the richest individuals alive but they are also the current owners of the means by which much of the modern citizen bodies of electoral democracies communicate and receive news. A superficial reading of the lives of Sulla or Augustus might indeed laud their reactions to crises, bold actions in taking control of the Roman world, and far reaching ‘reforms’ – even though in reality many of Sulla’s reforms were rapidly rolled back as Roman republican politics further deteriorated in the decades after his death in 78 BCE. The multitudes who were dispossessed of their property and rights, the many thousands killed in the proscriptions or the sorry fates of the people of Praeneste and Perusia speak to a far more sinister reality.<sup>9</sup> And this is to say nothing of the many tens of thousands killed in multiple civil wars.

The past decade or so has also witnessed a flourishing of new scholarship on how authoritarians operate and how democracies break down, scholarship which has been understandably concentrated in areas of recent history, political science and modern constitutional law. In turn, this has been reflected in the volume of journal-

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6 For an example of an ancient debate on the subject, the reader need look no further than Plato’s *Republic*. In respect to what it meant to be a Greek demagogue see Simonton. On how this issue might be approached from the perspective of the Roman Republic see, the chapter by Morrell on enabling laws and the chapter by Russell on the spectrum of acceptable political opinions. On the role that popular institutions can play in creating the conditions which justify their own dismantling, see the chapter by Elliott.

7 The tweet included a link to the Encyclopedia Britannica online entry by E. Valiglio, which offers a somewhat superficial and favourable view of Sulla’s motivations, makes only passing reference to “massacres and proscriptions” in 82 BCE and concludes of Sulla’s actions that “viewed in their historical context they are justified by the transitional character—both in its military and political aspect—of his age”. Musk had also in December 2021 shared an image over Twitter comparing Santa Claus to Cornelius Sulla which described both as having a list to be checked twice.

8 The quotation is taken from an interview with *The New Yorker* in September 2018 (<https://www.newyorker.com/magazine/2018/09/17/can-mark-zuckerberg-fix-facebook-before-it-breaks-democracy> [seen 11.01.2025]). As recently as late 2024 he attended public events with references to a range of famous ancient quotes on his clothing.

9 The collective trauma of the Sullan proscriptions should not be underestimated: see Eckert (2014), Rosenblitt (2019), see also Thein (forthcoming). See discussion in the chapter by Bagger on the impact that the proscriptions had on Roman women.

ism and popular literature devoted to the subject. For many Roman historians, however, the rise of authoritarian leaders and the concomitant breakdown of free government is sadly very familiar; it resonates with one of the key epochs of Roman history. The transition from the long-lived participatory Roman Republic to the even longer-lived autocratic regime that through violence usurped control of it in the late first century BCE easily come to mind. In turn, it should also be evident that historians' insights into the Roman transition are potentially applicable now, at least in broad terms. One such example is Thomas Strunk, who pointedly framed a 2022 monograph on the fall of the Roman Republic with the rather ominous subtitle "Lessons for the American People".<sup>10</sup> In the first volume of *Studies in Ancient Civil War* series, Carsten Lange's first chapter provides an insightful and thought-provoking comparative analysis of the unmistakable symptoms of both the Roman and American political systems' slide into civil war (both in the 19<sup>th</sup> century and, potentially, in the U.S.'s contemporary history), likewise drawing on a combination of ancient source material pertaining to the Roman Republic and modern political science concerning the modern United States.<sup>11</sup> This volume hopes to demonstrate that there is indeed much of value in investigating how the example of the late Roman Republic can inform our understanding of present pressing concerns and authoritarian tendencies, and how, alternatively, contemporary work might cast a fruitful new light on the study of the Roman Republic.

## The Validity of Comparison

The identification of lessons from the past is 'core business' for any historian; it is incumbent upon us if we want our work to matter to any audience wider than other historians.<sup>12</sup> It is also incumbent upon us to probe for deeper and more sophisticated explanations of the past as new techniques become available. We intend in this volume that this discourse should extend beyond straightforward contrasts and comparisons, and there are good reasons for arguing that this is possible in the case of the Roman Republic even if, as several of the chapters that follow demonstrate, identifying the limitations to our capacity to compare can also be useful and insightful. So too, it is hoped that historians and social and political scientists alike can benefit from this discourse to compare historical cases of 'democratic/republican' decay and authoritarian emergence. The insights, concepts and methodologies of political science can focus and enrich historical explanation while historical comparisons offer political scientists' options to refine their hypotheses and to study mechanisms at work.

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<sup>10</sup> Strunk (2022).

<sup>11</sup> Lange (2024).

<sup>12</sup> See discussion in the afterword by Carugati.

Better understanding of the other discipline's language and working methods can only make collaboration easier in the future. The chapters within this volume collectively make this argument – both implicitly and explicitly drawing connections to contemporary societies and contemporary concerns. Scholarship on Roman history is deep and rich; there is much for a modern observer to gain from it and apply to this 'political moment' of perceived democratic fragility.<sup>13</sup>

Ancient historians in the twentieth and twenty-first centuries have frequently hesitated to draw upon political science because this scholarship often assumes modern state structures. Even comparative political scholarship often requires the Westphalian-Weberian state as its basic unit of analysis, while most scholarship relies on many more of the features of contemporary political life: political parties, a unitary executive subject to a leader, the existence of the mass news media, an independent judiciary, and so on. A related problem is the scope of the modern state, which commonly intervenes into areas of life such as health care, education, policing, or inflation, which were often, although it should be noted not always, outside the purview of ancient political systems.<sup>14</sup> Looking more broadly there are significant distinctions between the modern and ancient constructions of fundamental delineators of communities such as territory, ethnicity and religion. Even so many Roman historians will speak confidently of there having been a Roman state, its possession of a 'constitution' and political institutions, and more broadly of there having existed for a time a clearly conceivable Republic, albeit one that was bookended by a period of evolution and era of collapse.<sup>15</sup>

So what basis for comparative discussion can be found? Firstly, it should be noted that Greek and Roman philosophy has been instrumental to the foundations of 'Western' political thought and helped shaped its linguistic and conceptual repertoire.<sup>16</sup> The very concept of the state in Western philosophy primarily has its origin in the works of the ancient Greeks. There has been a long intellectual tradition of referencing Rome in political thought, although it has tended to receive less attention than

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**13** In regard to an emerging cleavage between political historians and economic historians of the Roman Republic, bringing a modern understanding of the dynamic Roman economy to how we view the history of the Republic's political failure, see the chapter by Tan.

**14** On the contemporary debate over whether the Roman republic can reasonably be described as a "state" and the reasoning on why it can be seen as such, see Lundgreen (2014) and Shaw (2023), in particular p. 13–14.

**15** See Lintott (1999) 2: "The fact that the Republic was a natural growth creates also the fundamental problem in analysing it. It was not a written constitution, nor was it entirely unwritten". For the extensive evidence that Romans were indeed capable of constitutional thought see Straumann (2016).

**16** For a compelling argument that the Graeco-Roman legacy profoundly influenced the political, philosophical, and educational paradigms in what is commonly referred to as the 'Western World', see de Dijn (2020), esp. Parts I and II. cf. also *supra* n. 1. For a stimulating argument that what is conceived of as 'the West' was the product of interactions between a wide range of ancient civilizations, see Quinn (2024).

classical Athens.<sup>17</sup> This suggests there are at the very least, within constraints, opportunities for more rigorous comparison that do indeed exist.

The Roman *Res Publica* was not simply the originator of our word ‘republic’: when other ‘republics’ take on that label they are either implicitly or explicitly connecting themselves to its legacy, however tenuous the reality of that connection may be. Emblems of the Roman state have been co-opted by many modern nations. Even so, the exact nature of the Roman Republic and the appropriateness of using contemporary terminology to discuss it is vexed.<sup>18</sup> For one, the Roman Republic possessed a distinctive political system and the organic, even haphazard, process by which that system evolved and continued to change over a period of five centuries marks ‘the Republic’ as unique from other ‘republics’ of history – this is true even when compared to that of the later Italian republics, such as Venice (first elected doge in 727), Genoa (founded in 1099), Pisa (11<sup>th</sup> century) or Florence (1115), and despite a legitimacy they might assert on the basis of both real and imagined lineage.<sup>19</sup> In contrast to arguments about its exceptionalism, it is worth noting that the distinctiveness of any political system is always fundamentally an issue of granular detail.<sup>20</sup> It is axiomatic, but all things in existence are unique if viewed at the right scale.

Indeed, debate on the precise nature of the Roman *Res Publica* and how it can be defined in reference to other political systems is a discussion that stretches all the way back to Greek and Roman writers. The debate can be found in Polybius’ often quoted analysis of the Roman political system, preserved via the surviving fragments of book 6 of his *Histories*. Writing in the mid-second century and having witnessed firsthand how the Republic had dynamically asserted itself as the hegemonic power in the Mediterranean world, Polybius viewed Rome’s distinctive ‘constitution’ as essential to explaining its rapid and unprecedented ascension.<sup>21</sup> Similarly in Cicero’s *De Re Publica*, his characters debate what form of government is best: *quem existimet esse optimum statum civitatis*.<sup>22</sup>

At the most basic level, there is a fundamental question which must be addressed as to what we intend as modern scholars by the term “Roman Republic”. The popular and convenient means of simplistically dividing Roman history into grand political epochs (i.e. of monarchy, Republic and Empire, or smaller sub-divisions thereof) is contrary to the meanings Romans themselves attached to the term *res publica*.<sup>23</sup> For

17 See discussion in Rahe (1992) and Millar (2002). See also Sellers (2004) in regard to the influence of the Roman Republic for the American and French Revolutions.

18 Discussed at length in Shaw (2023).

19 For further discussion, particularly in regard to Venice, see the chapter by Kovesi.

20 To use but one obvious example, modern democracies such as Australia, Canada and the United Kingdom share a hereditary head of state.

21 Thus see Polyb. 1.1.5.

22 Cic. *Rep.* 1.20(33).

23 See, in particular, the different approaches taken to this question in the chapters by Russell and by Hillard and Beness. See also discussion in Moatti (2018).

one, as is indicated by Cicero, Romans could speak of there having already been a *res publica* under the monarchy.<sup>24</sup> But in the same treatise Cicero also makes clear kings can both serve and undermine the public good. Tarquinius Superbus had transformed a good form of government into the worst possible form through his actions alone and in doing so had become a tyrant.<sup>25</sup> Features of Roman government supposedly introduced with the expulsion of the kings marked the free Roman Republic (*libera Res Publica*) out as distinct.

The Republic's exceptionalism is also a recurrent theme in the surviving sections of Livy's history as is explicitly stated in his preface. This was, as he himself noted, essentially axiomatic: the Roman Republic's successes over many centuries were undeniable. Livy, however, explains in the opening chapter to his second book exactly what he perceived to have been the distinction between the period before and after the traditional story of the expulsion of the kings and the establishment of the consulship:

*liberi iam hinc populi Romani res pace belloque gestas, annuos magistratus, imperiaque legum potentiora quam hominum peragam*

The new liberty enjoyed by the Roman people, their achievements in peace and war, annual magistracies, and laws superior in authority to men will henceforth be my theme.<sup>26</sup>

Livy explains that the development of Roman government had evolved to a point at which the liberty of the Roman people could be fruitfully sustained<sup>27</sup> and that this liberty stemmed from the fixed duration of the consulship, the Republic's chief elected executive office, and from the rule of law.<sup>28</sup> In the so-called 'digression' on Alexander in book 9 Livy engages in speculation on what might have happened had Alexander invaded Italy, leading to what can be easily dismissed as jingoistic assertions about the pre-eminence of the free Republic.<sup>29</sup> He argues that where Alexander's achievements were those of an individual, accomplished in the span of a single lifetime (and a short one at that), the achievements of the Roman Republic were those of many people, compounding over many centuries, again emphasising his view of the importance of limitations on office holding and the sharing of leadership positions.<sup>30</sup> It is worth considering to what extent Livy's reader, probably sometime in the mid to late 20s

<sup>24</sup> See in particular, Cic. *Rep.* 1.26–27(41).

<sup>25</sup> Cic. *Rep.* 1.26(47)–28(50). See Pina Polo (2006) for discussion of Roman attitudes in the late Republic to tyranny and tyrannicide. Most importantly locating discourse on the supposed legitimacy of using extrajudicial violence against Roman citizens to prevent tyranny as a product of the late Republic.

<sup>26</sup> Livy 2.1.1 (Trans. B.O. Foster in *LCL*).

<sup>27</sup> Livy 2.1.6.

<sup>28</sup> Livy 2.1.4–6.

<sup>29</sup> For a survey of scholarship on the section and the value of this section for understanding Livy's thematic treatment see Morello (2012).

<sup>30</sup> Livy 9.17–19.

BCE, would have recognised the parallels here with Augustus.<sup>31</sup> Like Alexander, Octavian was a young man, who had gone east but *had* returned victorious only to jealously hold one of the consulships for nearly a decade, despite having boldly claimed in 28 BCE to have restored the statute and customary laws and the civil rights (*leges et iura*) of the *populus Romanus*.<sup>32</sup> Livy also had a significant impact on all subsequent scholarship: he presents the Republic's history as dominated by debates in the senate, public assemblies and elections.<sup>33</sup>

Significantly, reform was a fundamental catalyst for the Republic's sociopolitical development, in part enabling its rise to the position of Mediterranean hegemon. Ancient scholars such as Polybius, Livy, and Dionysius of Halicarnassus acknowledged this. For Polybius, something that distinguished Rome from other ancient states was the process of adaptation that the Republic had gone through, repeatedly responding to new threats by changing their state:

Ῥωμαῖοι δὲ τὸ μὲν τέλος ταῦτὸ πεποιήνται τῆς ἐν τῇ πατρίδι καταστάσεως, οὐ μὴν διὰ λόγου, διὰ δὲ πολλῶν ἀγώνων καὶ πραγμάτων, ἐξ αὐτῆς αἰετὶ τῆς ἐν ταῖς περιπετείαις ἐπιγνώσεως αἰρούμενοι τὸ βέλτιον.

But the Romans while they have arrived at the same final result [as Lycurgus] as regards their form of government, have not reached it by any process of reasoning, but by the discipline of many struggles and troubles, and always choosing the best by the light of the experience gained in disaster.<sup>34</sup>

The Roman elite's subsequent dogged resistance to substantive reform in the aftermath of the Second Punic War (218-201 BCE) can arguably be viewed as decisively contributing to the Republic's violent implosion.<sup>35</sup> Even so, the considerable legal and constitutional change that occurred over the course of the first century BCE was often ostensibly carried out using existing processes and practices, even as those changes rendered the traditional Republic irrevocably distorted. That the Republic changed

31 On the section as a critique of one man rule and by extension commentary on Augustus see Morrello (2012).

32 Rich and Williams (1999) – arguing, however, for the restoration of the laws and civil rights “to” the Roman People; for subsequent discussion see Mantovani (2008); Vervae (2010).

33 In Niccolò Machiavelli's *Discorsi sopra la prima deca di Tito Livio* (first published in 1531) he likewise characterised the Roman Republic as combining monarchic, aristocratic and democratic elements in a constitution which, in contrast to societies such as ancient Sparta, was developed over time. In particular, Machiavelli identified a tension between Senate/aristocracy and people that resulted in laws favourable to liberty and that between the time of Tarquins and that of the Gracchi there was little bloodshed and few exiles. See: Machiavelli, *Discourses*, Book 1, chapters 4-6.

34 Poly. 6.10.13-14. (trans. Paton in *LCL*)

35 See Part 2 for different ways in which this issue can be approached. In particular, see the chapters on reform unwillingness by Vervae, Dart and Rafferty and on the politics of *libertas* in the 70s BCE see the chapter by Tatum.

significantly over time has, in turn, traditionally led modern scholars to apply various periodisations to mark significant epochs in its political development.<sup>36</sup>

The Roman Republic, for several centuries of its history at least, possessed a number of the individual features that can be found in modern socio-political systems; some of these would be re-embraced in the 'Age of the Democratic Revolution' in the later 18<sup>th</sup> century, and have come to seem typical of the modern state.<sup>37</sup> The Roman Republic possessed a political sphere with formalised, differentiated institutions in which a recognisable institutional struggle over power could take place. Republican institutions structured politics and dictated how actors interacted with each other to produce political outcomes, and provided the mechanisms by which those institutions, and the larger configuration of institutions which made up the political system, could change over time. The various strongmen who came to dominate late republican Rome could only do so because they occupied, manipulated and experimented with traditional republican offices and political processes; their power was – at least in terms of the requisite statutory empowerments – mostly embedded inside the political structure rather than sitting outside and against it.<sup>38</sup>

In the Republic the citizen body, the *populus Romanus*, was sovereign and it was the Roman People who elected the annual magistrates, the Republic's executive. In addition to these officials' military and judicial responsibilities they proposed new laws directly to the citizen body and it was the people alone who voted on the passage of new legislation. It was the people who had the final say in cases of capital punishment and, at the height of the Republic, it was they who approved declarations of alliance, peace and war. Voting on both elected office and legislation was only conducted at Rome, necessitating the citizen to attend in person if they wished to participate. This was a system which as the Roman citizen body became more geographically spread out imposed practical limitations on regular participation, even if rural voter

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<sup>36</sup> Cf. Flower (2010).

<sup>37</sup> See discussion in Sellers (2004). Both Hölkeskamp (2010) 67-68 and Shaw (2023) have provided overlapping and consciously minimal definitions of statehood that both modern states and the Roman state can fit within. Hölkeskamp set three criteria: a territorial basis; permanent, centralised, and depersonalised administrative institutions (in that one obeys an official because he is the official, not because of any private relationship); and formalised interaction between these institutions, "in the form of regular procedures for making, implementing, and enforcing binding decisions" and for resolving disputes. Shaw (2023) 13 notes that the Roman state had a "complex governmental structure that had formal criteria for membership and objectively defined terms of positions, official actions and empowerments" which issued authoritative orders (*leges, senatus consulta* et cetera) fortified with sanctions against disobedience. Shaw also emphasises that "the Roman state certainly displayed an autonomy of its political structures, including its armed forces, that set the state over and above an accumulation of familial powers"; that is, patronage and private power might matter in gaining access to and taking advantage of the power of the state, but were not a substitute for that power.

<sup>38</sup> Hillard and Beness argue in their chapter that the antithesis of the traditional republic was a "rejection of political plurality and the ideological dispute typically accompanying that plurality". See also the chapter by Morrell on the significance of enabling laws in the process of transforming the Republic.

turnout probably remained high throughout the late Republic. Furthermore, during the Republic the regular mustering and demobilisation of Roman armies at the city often necessitated the citizen's presence for a time there anyway. All Roman magistracies had either a fixed term of office (*ad tempus certum*) or a term that was defined by the discharge of a specific task (*ad tempus incertum*). The consuls and praetors, for instance, had a fixed tenure of one year at which point their office ceased *ipso iure*. Even the *dictator rei gerendae causa*, unusual in that it was an office held by one man (with a subordinate) rather than a college, was expected to resign immediately upon completion of his commission, with a traditional second safeguard being a deadline of six months.<sup>39</sup> Indeed, Sulla's empowerments in 82 BCE under the provisions of the *Lex Valeria* were radical in their expansion of the traditional dictatorship.<sup>40</sup> The Roman people's legislative authority was not constitutionally constrained and extended to conferring exceptional powers on individual magistrates and the appointment of extraordinary magistracies.<sup>41</sup> The right to participate in this process was in theory exercisable by all adult male Roman citizens within established limits. According to Polybius:

καὶ μὴν τὰς ἀρχὰς ὁ δῆμος δίδωσι τοῖς ἀξίοις: ( . . . ) ἔχει δὲ τὴν κυρίαν καὶ περὶ τῆς τῶν νόμων δοκιμασίας, καὶ τὸ μέγιστον, ὑπὲρ εἰρήνης οὗτος βουλευέται καὶ πολέμου. καὶ μὴν περὶ συμμαχίας καὶ διαλύσεως καὶ συνθηκῶν οὗτός ἐστιν ὁ βεβαιῶν ἕκαστα τούτων καὶ κύρια ποιῶν ἢ τοῦναντίον. ὥστε πάλιν ἐκ τούτων εἰκότως ἂν τιν' εἴπῃν ὅτι μέγιστην ὁ δῆμος ἔχει μερίδα καὶ δημοκρατικὸν ἐστὶ τὸ πολίτευμα.

Again it is the people who bestow office on the deserving ( . . . ) the people have the power of approving or rejecting laws, and what is most important of all, they deliberate on the question of war and peace. Further in the case of alliances, terms of peace, and treaties, it is the people who ratify all these or the reverse. Thus here again one might plausibly say that the people's share in the government is the greatest, and that the constitution is a democratic one.<sup>42</sup>

The enfranchisement measures carried out in response to the Social War resulted in citizenship being extended to the vast majority of Italy's free population between 90 and 87 BCE.<sup>43</sup> By 28 BCE the Roman citizen body numbered in the millions.<sup>44</sup> Moreover, in important matters large numbers of Roman citizens, urban and rural alike,

<sup>39</sup> See Coli (1953).

<sup>40</sup> See Vervae (2004).

<sup>41</sup> For instance, see Livy 26.18 for the process by which the people's elected the 24-year-old Cornelius Scipio to command in Spain. The *lex Titia*, taken by the tribune P. Titius to the people in November 43 BCE, created the role of *Triumviri Rei Publicae Constituendae* (App. BC 4.7; Dio 47.2.1-2).

<sup>42</sup> Pol. 6.14.9-12 (trans. Paton in *LCL*).

<sup>43</sup> Dart (2014) and Vervae (2023).

<sup>44</sup> Aug. *RG*, 8. For discussion on the many interpretations of the surviving returns from the Roman census see: Hin (2013).

could and did participate.<sup>45</sup> In many modern democracies voting is also non-compulsory and analogous barriers to participation are present such as the inequitable setting of electoral boundaries, limiting access to alternative means of voting in remote areas and the practice of scheduling elections during the working week.<sup>46</sup> In many modern democracies people still wait in long lines to cast their votes as did Romans in lines on the Campus Martius in the first century BCE.

For Romans this was coupled with features of their political system that meant the Roman elite possessed not only considerable influence over decision making through both formal and informal means but also had at their disposal a host of mechanisms for manipulating outcomes such as appeals to arcane precedents and control of the all-important state religious colleges that sanctioned political procedures and electoral outcomes.<sup>47</sup> While the people might elect to office anyone whom they wished, in practice there was a significant representative component to the Roman political system. Roman magistrates alone could call assemblies of the people, and it was that magistrate who decided which proposals should be put to the people and presided over managing who spoke at debates. Traditionally, leading men overtly indicated how large blocks of supporters should cast their votes and supervised voting, a practice that legislation requiring voting bridges and secret ballots sought to address. Even so, the two most powerful electoral and legislative popular assemblies, the *comitia centuriata* and the *comitia tributa*, both had procedural and systemic features that muted the power of the popular vote. In the case of the *comitia centuriata* its fundamental structure gave disproportionate voting power to those with wealth and seniority, in the case of the *comitia tributa* to those from rural constituencies.<sup>48</sup> Once voting commenced the disproportionate allocation of the citizen body into tribes functioned akin to a gerrymandered electorate. The numerous urban plebs, impoverished citizens and freedmen were restricted to the four urban tribes where their voting power could be mitigated. When during the Social War the Romans reluctantly yielded citizenship, first to the Italian allies who had stayed loyal and then subsequently to the insurgents who had surrendered, proposals to restrict which tribes they were to be allocated, and thereby minimise their voting power, were met with stiff resistance from the newly enfranchised. Indeed, with enfranchised Italians now a significant constituency within the Roman citizen body, competing visions for how

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45 Morstein-Marx (2015) and Rafferty (2021). In respect to Italian's protesting by traveling to Rome in 91 BCE see Dart (2010).

46 On modern elections see discussion in the chapter by Hill.

47 For instance, when the consul designate for 215 BCE was killed, the people elected Claudius Marcellus as *suffect consul*. The augurs declared his election invalid and Fabius Maximus, who unusually was a member of both the augural and pontifical colleges, was elected in his place (Livy 23.31 and Plut. *Marc.* 12.1–2).

48 This has long been recognised as an important feature of the traditional Republic. For recent discussion see Cornell (2022) 223–228.

they should be integrated and the degree to which they should have a share in political power became a major component of the violence of the period from 87 to 82 BCE.<sup>49</sup> Their success in eventually securing distribution across the tribes highlights not only the awareness of these people of the realities of the Roman political system but that they intended to exercise their hard-fought-for voting rights.

Modern ‘democratic’ systems also contain significant opportunities for manipulation and control by the elite: from internal selection processes in major political parties, to the high costs of financing political campaigns, the capacity to receive mainstream media attention or gain access to, and be heard by, political office holders. Reforms during the Republic would result in some degree of public access to law codes and records of state (something which would eventually be legally enshrined in Roman *municipia*).<sup>50</sup> But to apply contemporary terminology: for many Romans the information and transaction costs of participating in the Republic remained very high. Yet again, whether deliberate or accidental, deficiencies in the design of contemporary electoral systems mean that this is also the case for many modern democracies.<sup>51</sup> Features of the Roman state such as fixed or limited terms for elected office, legal limitations on the powers of these office holders, and legal instruments to redress corruption and abuse of office are also essential features of modern democracies, though in respect to abuse of office the Roman Republic, or indeed the Athenian democracy, had stronger instruments than that of many modern states.

## New Approaches to Entrenched Roman Questions

Barthold Niebuhr (1776-1831), one of the founders of modern Roman historiography, viewed Roman history through the lens of its political development.<sup>52</sup> Indeed, this is often implicit in the structure of general histories of the Republic written during the 19<sup>th</sup> and 20<sup>th</sup> centuries, which are typically subdivided according to key phases in the evolution of the state: the semi-mythical overthrow of the monarchy, the Gallic sack in 390 and the political reforms which occurred after it, the so-called Struggle of the Orders, the third and second century Republic dominated by its joint patricio-plebeian nobility and so on. Theodor Mommsen in his *Römische Geschichte* contrasted

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49 For instance, Gabba (1976) 89 observed that the problem of the rights of the new citizens “was the really vital one in the years stretching from the end of the Social War down to Sulla’s landing in Italy”.

50 For instance, when Roman law was first codified in the ‘Twelve Tables’ these were inscribed on metal plates and publicly displayed in the Forum (Livy 3.57; Diod. 12.26). On the keeping of public records see Díaz Fernández and Pina Polo (2021).

51 See discussion of the election conspiracism and challenges to electoral integrity in the 21<sup>st</sup> century in the chapter by Hill.

52 First edition 1811-1812, revised 1832.

the “republic of the Gracchi” (a state moving toward greater democracy), with that of Pompeius Magnus and Caesar (a state moving toward autocracy). Ronald Syme in his seminal 1939 book identified the period from 60 BCE to 14 CE as a “revolution”. Most significantly, the enduring legacy of the *Römisches Staatsrecht* is Mommsen’s demonstration of the importance of understanding the legal and constitutional operation of the Roman republic to its history.<sup>53</sup>

Furthermore, contemporary scholarship on the Roman Republic has tended to more directly suggest that it possessed a number of key features analogous to modern political systems. For much of the twentieth century, it was common in scholarship to view the Republic first and foremost as an oligarchy, controlled by its leading families who, generation upon generation, were elected to the highest offices of the Roman state. This emphasis is in no small measure thanks to the important work of Matthias Gelzer, Friedrich Münzer and Ronald Syme,<sup>54</sup> who argued that the dominant social and economic position of Rome’s leading families and their position at the top of chains of dependence (as embodied in the system of *clientela*) were important sources of their control.<sup>55</sup> Lily Ross Taylor produced a series of important works highlighting the inner workings of the Roman voting, electoral systems and ‘party politics’.<sup>56</sup> Then, over the course of the 1980s and 1990s Fergus Millar, published a series of seminal articles culminating in the 1998 book *The Crowd in Rome in the Late Republic*, which forwarded a powerful argument that the Roman Republic was a democracy and deserved to be studied as such.<sup>57</sup> Millar’s impact has been significant and there has in recent decades been fresh scholarly debate about the nature of the Roman Republic’s political system, with many arguing that the Roman people did indeed play an important role, whether that be as an arbiter of intra-elite conflict, or as the ultimate sovereign power, or as the audience and participant in a consensus ritual which enacted and so reinforced the legitimacy of the system as a whole. It is worth noting that if the Roman *Res Publica* can be considered an electoral ‘democracy’, then it is also the world’s most enduring.

It could be objected that, as is sometimes said of the modern United States of America, the Roman Republic may have been ‘a republic’ but it was not ‘a democ-

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<sup>53</sup> Mommsen (1887), Syme (1939).

<sup>54</sup> See: Gelzer (1912); Münzer (1920); Syme (1939).

<sup>55</sup> This scholarly position was criticised by North (1990) 7 as the “frozen waste” theory of politics: “its implication was that voting behaviour in the Roman assemblies could be regarded as totally divorced from the opinions, interests and prejudices of the voters themselves”. See, however, Rafferty (2021) for important qualifications of North’s analysis.

<sup>56</sup> Most notably Taylor (1960) and (1966).

<sup>57</sup> Millar (1998); see discussion in Hölkeskamp (2010) 1-11. His subsequent book *The Roman Republic in Political Thought* (Millar [2002]) sought to track in western political thought from the Middle Ages to the late eighteenth century the influence of the Republic as a constitutional model.

racy'.<sup>58</sup> Indeed, 'republic' and 'democracy' are classic cases of "essentially contested concepts" in Gallie's 1956 formulation. They cannot be used as simple descriptive terms, especially to compare political systems of different times: "republic" and "democracy" are political slogans before they are analytical categories. As such, we understand them better through their history as concepts than through any attempt to define them trans-historically. This is especially the case when, as with 'republic' and 'democracy', they are often positioned as somehow being alternatives. Arguments over whether the Roman Republic was more analogous to a modern democracy or to a republic are thus frequently unsatisfactory as they grapple with both the contested meanings of these terms in the modern world and the real world ancient political entities from which these words derive.

In her history of the concept of political freedom in the Western world from classical antiquity to the present era, Annelien de Dijn suggests that the modern distinction between a republic and a democracy essentially is an anti-democratic political argument.<sup>59</sup> At issue was elite fear of the poor having political power and using it against private property; this was justified as a constitutionalist (and institutionally-based) defence of individual freedom against majority rule. More importantly, the republic/democracy distinction is primarily an American debate, largely meaningless in other contexts,<sup>60</sup> and it has functioned in the twenty-first century to justify those in US politics who wish to limit popular participation. In this way, it connects to that strand of nineteenth- and twentieth-century democratic struggle over whether outgroups were to be brought inside the political system by the extension of voting rights. In the nineteenth century the reference was to property, class and ethnicity; in the early twentieth century to gender; in the 1950s and 1960s the U.S. revisited these struggles in the Civil Rights movement, especially that part resolved by the 1965 Voting Rights Act.

The move within modern scholarship of the Roman Republic to place greater emphasis on the *populus Romanus* as a political actor also correlates with an important part of the study of democracy in the modern world, which often considers questions of who is included in the political system and who has access to power. This connects also with central struggles in modern politics since 1789. Marx and others criticised the French Revolution as the victory of the bourgeoisie as a class; a central part of British politics in the nineteenth and early twentieth centuries was the gradual extension of the franchise to those further down the social ladder, such as the Reform Acts of 1832, 1867 and 1884 or the extension of women's suffrage in 1918 and 1928. In the

<sup>58</sup> Here the reader might observe sympathy with the German project of the *Geschichtliche Grundbegriffe*, the goal of which was a history of concepts, especially during the transition from pre-modernity to modernity.

<sup>59</sup> De Dijn (2020) 304-310, citing popularisation by William Sumner in the late nineteenth century.

<sup>60</sup> In contemporary Australia for instance, 'republic' commonly denotes a form of democracy that is an alternative to a 'constitutional monarchy'.

twentieth century, the Civil Rights movement in the U.S. can be seen as an attempt to end the effective disfranchisement of a defined group of citizens. It is easy to adopt an assumption that greater democracy is equivalent to the extension of political participation to wider and wider groups. Viewed in this way, the struggle between democrats and oligarchs is also central to modern democratic struggles and so it is especially easy to see in the historical examples: for one, the steps by which the Roman Republic enlarged the franchise until it encompassed the majority of the free population of Italy has been studied in great detail. Tellingly, this only occurred in response to the first outbreaks of mass violence in Italy between 91 and 82 BCE.<sup>61</sup>

## A Dying Republic

If we are to argue that, for the purposes of comparison with modern states, the Roman Republic was akin to a pre-modern electoral democracy, then we must also ask “democracy as opposed to what?” Within Rome’s own semi-mythic history, the freedom of the Republic had been born in opposition to monarchy (*regnum*): it was through a revolution that they had expelled the king, and the Romans had taken oaths never to suffer under the rule of kings again.<sup>62</sup> Stories such as the Republic’s early struggles against the Etruscan king Lars Porsena or Brutus’ execution of his own sons reinforced this. For many Greek and Roman writers on politics the other opposite of ‘democracy’ was instead oligarchy. Indeed, during the first two centuries of the Republic there had been a struggle between patricians and the leaders of the plebians but more broadly between the elite and the people. Similarly, Romans viewed one of the central struggles of the late Roman Republic to have been between *optimates* and *populares*, loosely defined categories of conservatives of the status quo and moderate reformist ‘people’s men’ and much of the last century of the Republic was characterised by a tussle over their relative power.<sup>63</sup> Despite this tension sometimes spilling over into acts of public violence it was typically characterised by a conflict over relative power within the political arena and an ideological dispute over the extent to which popular will should be allowed to dominate. Ti. Gracchus, far from harbouring tyrannical designs as some sources assert, up until the very day of his death was operating within the boundaries of the political system. It was Scipio Nasica who disregarded the traditional processes the system had in place for opposing reform when he led a mob to the Capitol and indulged in acts of indiscriminate murder. Even Tarquinius Superbus had been permitted to live in exile.

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<sup>61</sup> See Dart (2014) and Vervaet (2023).

<sup>62</sup> Livy 1.59 and 2.1.9. See also: Plut. *Pop.* 2.2.

<sup>63</sup> Wiseman (2009) 6.

In reality, the ultimate death blow to the traditional Republic was to be dealt by a succession of authoritarian military strongmen, the most consequential being C. Marius, Cornelius Cinna, Cornelius Sulla, Pompeius Magnus, Julius Caesar and finally Octavian/Augustus, all of whom in various guises professed to operate in the best interests of the *Res Publica*.<sup>64</sup> In action each was accompanied by a fresh wave of civil strife and bloodshed. In a political system without compulsory voting or minimum numbers of citizens for votes of the assemblies, control of the city by a strongman's supporters also entailed the capacity to legalise their most egregious acts or to enable them through new legislation.<sup>65</sup> This was radically different to the passionate fights that had historically occurred within the Roman political arena over issues such as the regulations for holding office, the structure of courts, voting procedures and so on. In this sense the precedent set by Cornelius Sulla marked a significant shift. In 88 BCE, as consul, Sulla, with the acquiescence of his colleague Pompeius Rufus, took Rome by force and either killed or had exiled his political opponents.<sup>66</sup> In their absence he proceeded to pass aggressively anti-majoritarian legislation to limit popular political action, reviving an ancient practice that only bills sanctioned by the Senate should be brought before the People, that all legislation was to be conducted in the *comitia centuriata*, restricted the prerogatives of the tribunes of the *Plebs*, and enrolled 300 of the "best citizens" into the Senate, as it had been depleted by several years of deaths in the Social War. This was using the institutions of the Roman state to undermine the state and to disempower a part of the electorate that was inconvenient to him. Sulla's measures were regressive, timocratic and a heavy-handed reaction to the populism of Sulpicius Rufus, the elder Marius and their supporters, however, self-serving and hollow Marius' protestations may have been.<sup>67</sup>

In 82 BCE, Sulla as proconsul hunted down the sitting consuls, trapping the younger C. Marius at Praeneste where he eventually died and chased the other, Papirius Carbo out of Italy to Sicily where he was captured and executed by the young Pompeius (Magnus).<sup>68</sup> Having defeated the army of the Samnite leader Pontius Telesinus outside Rome, Sulla presided over the mass slaughter and proscription of his opponents. It is not without justification that the extent to which his actions against the Samnites amounted to genocide and ethnic cleansing have been seriously discussed.<sup>69</sup> This was far beyond the violence that occurred in response to Tiberius Gracchus,

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<sup>64</sup> See discussion of populist rhetoric in Sallust in the chapter by Elliott.

<sup>65</sup> See the chapter by Morrell on enabling laws, highlighting the continuing importance of the rule of law and Republican legal culture in the context ordinary institutions being subordinated to extraordinary powers.

<sup>66</sup> On discussion of men seeking safe refuge in the provinces see the chapter by George.

<sup>67</sup> App. *B Civ.* 1.59; Livy *Per.* 77; see discussion in Vervae (2023) 112–113.

<sup>68</sup> See the chapter by George for discussion of the actions of the Roman elite in the provinces during the civil wars of the 80s and 70s.

<sup>69</sup> See Bispham (2018) 33 and Flower (2010) 94.

Gaius Gracchus and Fulvius Flaccus or the like. With his empowerment as dictator under the *Lex Valeria*, Sulla not only received retrospective legal sanction for his actions but received an unprecedented task, “to write laws and set the Republic in order” (*legibus scribundis et rei publicae constituendae*).<sup>70</sup> In contrast to the reactionary and violent defence of the *status quo* mounted by Scipio Nasica or Lucius Opius, violence served as the basis for a radical legal and political departure. According to its own historical traditions, the Republic had repeatedly produced exceptional leaders who had significantly challenged the *status quo* but, most critically, what it meant to be exceptional for Roman leaders in the first century BCE became increasingly radical, internecine and bloody.<sup>71</sup>

In a twenty-first century context, what is perceived as most threatening democracy is also not thinly veiled oligarchy but authoritarianism and dictatorship. The form of “democratic decay” and “creeping authoritarianism” that alarms so many people in the modern world is no longer about who is inside or outside the political system but about the struggle over power and decision making and over control of political institutions. In the early 2000s Levitsky and Way identified a type of regime which had emerged in the aftermath of the Cold War, which in effect had an authoritarian spirit with democratic trappings.<sup>72</sup> They called this type of regime *competitive authoritarianism*. Such regimes were often the result of a failed transition to democracy in states that had been full-blown autocracies during the Cold War; the direction of movement was from autocracies towards democracies. Levitsky and Way argued that it was better to understand such regimes as a new variant of authoritarianism rather than as incomplete or failed democracies. In them:

[e]lectorate manipulation, unfair media access, abuse of state resources, and varying degrees of harassment and violence skewed the playing field in favor of incumbents. In other words, competition was real but unfair.<sup>73</sup>

At face value this might not seem of much relevance to the Roman Republic, which since the dictatorship of Sulla in 82-79 BCE was not a regime transitioning away from autocracy, but rather towards it. But the election of Donald Trump as President of the United States in 2016 and his continued centrality to political discourse in the United States has triggered an explosion of political science scholarship as a new phenome-

<sup>70</sup> Cic. *Agr.* 3.5 describes the law as *Omnium legum iniquissimam dissimillimamque legis esse arbitror eam*.

<sup>71</sup> Stories such as the condemnation and execution of Spurius Cassius Vecellinus (*cos.* 486) for supporting agrarian reforms in support of the poor likely served to retrospectively justify the murder of the Gracchi.

<sup>72</sup> There is an older body of scholarship on the internal politics of twentieth-century authoritarian regimes, of which the most prominent recent examples are de Mesquita and Smith (2011) and Svoboda (2012).

<sup>73</sup> Levitsky and Way (2010) 3.

non has been recognised: the decay of existing democratic political systems into a similar type of hybrid regime to that already identified by Levitsky and Way. Beyond Trump, this movement within democracies can be seen in other governments to varying degrees, for instance Recep Tayyip Erdoğan in Turkey, Jair Bolsonaro in Brazil and Viktor Orbán in Hungary. As Daly has identified, scholars have often worked in parallel, not in conversation with one another, and the result has been “a sort of *Familienaufstellung* —a ‘family constellation’ of related research strands all pushing toward the same aim.”<sup>74</sup> There has been a profusion of new concepts and terminology: autocratic legalism, democratic breakdown or backsliding, and of constitutions, capture to retrogression to rot. Daly has proposed “democratic decay” as a fairly neutral umbrella term to cover what he calls an emerging field of research. In a 2018 work, Levitsky and Ziblatt observed:

Democratic breakdown doesn’t need a blueprint. Rather ( . . . ) it can be the result of a sequence of unanticipated events—an escalating tit-for-tat between a demagogic, norm-breaking leader and a threatened political establishment.<sup>75</sup>

The danger in the 21<sup>st</sup> century for modern democracy should not be underestimated: that democratic states have lurched back from the brink of catastrophe in the past is no guarantee against future descent into autocracy, as the fate of the Roman Republic demonstrates. The integrity and commitment to upholding process on the part of politicians, then as now, is key to preserving institutions. Sulla’s reforms were rolled back after his death and in 70 BCE, Pompeius Magnus and Licinius Crassus restored the powers of the Tribune of *Plebs* and revived the censorship. This act finally permitted the multitude of Italians enfranchised since the Social War twenty years prior to fully exercise their political rights. But the authoritarianism of Pompeius Magnus or Julius Caesar proved far more corrosive to the traditional Republic.<sup>76</sup> As Tacitus observed of Pompeius he was only “more secretive, but no better” (*occultior non melior*) than Marius and Sulla.<sup>77</sup> The reality was, as Edward Gibbon so bluntly put it, that by the end of the Republic:

Every barrier of the Roman constitution had been levelled by the vast ambition of the dictator; every fence had been extirpated by the cruel hand of the Triumvir.<sup>78</sup>

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<sup>74</sup> Daly (2019) 10.

<sup>75</sup> Levitsky and Ziblatt (2018) 75.

<sup>76</sup> See the chapter by Rafferty, Vervaet and Dart for application of competitive authoritarianism to analysis of the short-lived regime created by Pompeius Magnus in 52. See the chapter by Lanfranchi for a re-evaluation of the relationship of Caesar as dictator with the Tribunes of *Plebs*. See the chapter by Rushmer on his discriminatory policies in excluding people from subsidised grain despite Caesar’s supposed populism.

<sup>77</sup> Tac. *Hist.* 2.38.

<sup>78</sup> Gibbon, Book 1, chapter 3.

After four decades in power, Augustus boldly claimed in his self-authored epitaph that in the civil wars he had liberated the Republic from a faction which had oppressed it.<sup>79</sup> Though often casting himself as an arch traditionalist over time he eventually broke almost all its traditional political norms finally.<sup>80</sup> As is reflected most vividly in the opening chapters of Tacitus' *Annales*, for Romans like Tacitus living in the relatively stable days of the second century CE emperors, the actual cleavage in the history of the Roman state represented by the rise of Augustus as sole ruler was clearly visible:

*ubi militem donis, populum annona, cunctos dulcedine otii pellexit, insurgere paulatim, munia senatus magistratuum legum in se trahere.*<sup>81</sup>

He won over the soldiers with gifts, the people with cheap grain, and all with the sweet allure of peace, and so rose up gradually (*paulatim*) and absorbed the functions of senate, magistrates and laws.

In Tacitus' view, Augustus was able to accumulate power in his person because of the stark reality that after the Battle of Actium none were left to oppose him (*nullo adversante*) and that the surviving members of the senatorial oligarchy were rewarded by him in accordance with their willingness to be enslaved (*quanto quis servitio promptior*). The phenomenon of would-be authoritarians subverting the same democratic and/or participatory institutions that are supposed to have constrained them can be frequently—and alarmingly—observed in states of the 20<sup>th</sup> and 21<sup>st</sup> century. This process often occurs gradually as Levitsky and Ziblatt have identified: “For many citizens, it may, at first, be imperceptible (. . .) Each individual step seems minor—none appears to truly threaten democracy.”<sup>82</sup> Indeed, this process would likely be easily recognisable to Tacitus.

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<sup>79</sup> RG 1: *per quem rem publicam dominatione factionis oppressam in libertatem vindicavi*.

<sup>80</sup> For discussion of the inherently ‘revolutionary’ character of Octavian/Augustus’ sole rule see the chapter by Ridley.

<sup>81</sup> Tac. *Ann.* 1.1–2.

<sup>82</sup> Levitsky and Ziblatt (2018) 77.

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Matt Simonton

# How Did Ancient Greek Democracies Die? Not (Normally) by Demagoguery

**Abstract:** It was a concern of the ancient Greeks, inherited by modern political thinkers like the Framers of the US Constitution, that democracies would inevitably devolve into tyrannies. Champions of the rights of the people would arise and undermine democratic institutions from within—“commencing demagogues,” in the words of Alexander Hamilton, “and ending tyrants.” In fact, as Aristotle knew well, most anti-democratic revolutions ended not in tyranny but in oligarchy, the rule of the wealthy few, as elites rejected the sovereignty of the common people. From this perspective, we can see how much contemporary discourse on populism and authoritarianism is about the actions of elites and not about the power of the people at all. This chapter uses the figure of the ancient demagogue, greatly misunderstood, to restore a properly popular component to modern analyses of populism and democratic backsliding.

The great Swiss historian Jacob Burckhardt once wrote, “[I]n every talented and ambitious Greek dwelt a tyrant and a demagogue.”<sup>1</sup> Before and since, political observers have worried that charismatic leaders will overthrow democracy from within and install themselves as modern-day tyrants. Such a worry guided the Framers of the United States Constitution: in the very first of the *Federalist Papers*, for example, Alexander Hamilton wrote:

dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidden appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.<sup>2</sup>

The political scientists Daniel Ziblatt and Steven Levitsky, drawing on this tradition in their study of *How Democracies Die*, likewise discuss the danger of demagogues to democracy, resulting in autocracy:

Although some elected demagogues take office with a blueprint for autocracy, many, such as [former Peruvian President Alberto] Fujimori, do not. Democratic breakdown doesn't need a blueprint. Rather, as Peru's experience suggests, it can be the result of a sequence of unanticipated

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1 Burckhardt (2013) 56.

2 Hamilton, Madison and Jay (2014) no. 1.

events—an escalating tit-for-tat between a demagogic, norm-breaking leader and a threatened political establishment.<sup>3</sup>

We are all familiar with examples of ancient demagogues who subverted their republics. Julius Caesar – much discussed in subsequent chapters – is one such Roman figure, but on the Greek side there is a veritable parade of demagogic autocrats from Sicily, including Dionysius the Elder – from whose court we get the expression “sword of Damocles” – and his third-century successor Agathocles.<sup>4</sup> US President Donald Trump is sometimes compared to these figures, and also, especially, to the Athenian politician Cleon, a populist who drew the ire of the historian Thucydides.<sup>5</sup> These comparisons are by and large made in popular media, but at least one study comparing Trump with Cleon, by the political philosopher Bernard Dobski, has been published in a peer-reviewed academic study. I will return to this analysis presently.

What this paper suggests is that Burckhardt and Hamilton were mostly wrong in their judgment. Demagogues, a term I will define in greater detail shortly, certainly were structural features of most ancient Greek democracies, and there was always a possibility that they would cause civil strife. But the most common result was not tyranny but oligarchy: the reaction of the wealthy few to what they considered the excesses of democracy and the establishment of a regime based on property qualifications.

But so what? What difference does this make for us today, in a world of embattled, perhaps even dying, democracies? The present paper has five parts: First, I show that, despite an early and influential tradition that democracies necessarily devolve into demagogic tyrannies, Aristotle correctly recognized that democracies were more often overthrown by oligarchs. Second, I provide a brief sketch of ancient Greek demagoguery in action: most ancient Greek democracies had them, in the sense that there were regularly multiple speakers in the popular assembly who made proposals they thought would garner majority approval and win them prestige. These were typically members of the elite, but it would be wrong to treat them as “rulers,” since authority lay ultimately with the assembled *dêmos*, or people. Third, and by the same token, I emphasize that ancient Greek democracies are hard to compare with modern democracies, or even with the Roman republic, because of two related features: the unmediated (or at least “under-mediated”) nature of popular participation in ancient Greek democratic institutions, and the concurrent polarization of politics into conflict between rich and poor. Taking the *dêmos*, the people, seriously as a political actor is something that does not come easy to modern accounts. Fourth, I show that despite this gap between ancient and modern democracy, the influence of ancient thinkers like Thucydides and Plato continues to tempt us to see “demagoguery” in a Greek

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3 Ziblatt and Levitsky (2018) 75.

4 On the use of popular assemblies by these “demagogic” tyrants, see Lewis (2021).

5 Olson (2021); Morell (2017); Mackie (2016).

sense where it does not exist. In a superficial way, Trump is like Cleon in that they are both very unpleasant, but there are more differences than similarities. Fifth, and finally, I suggest that the model of ancient Greek demagoguery can restore a properly popular component to modern analyses of populism and democratic backsliding. Ancient demagoguery was about empowering the people *qua* great majority, and we should perhaps look for examples of this in action in the modern world and how they arise.

So, first: there is no doubt that some very influential voices from the ancient Greek world argued that the logical endpoint of demagoguery was the establishment of a tyrant.<sup>6</sup> The historian Herodotus, for example, in the portion of his work now known as the Constitutional Debate, has a speaker describe the breakdown dynamics of democracies in this way:

In a democracy . . . . . those who harm the constitution do so through conspiratorial means. Such a state of affairs continues until a champion of the people puts a stop to such men. But by these actions this man is held in esteem by the people, and so esteemed becomes in truth a patent autocrat.<sup>7</sup>

This same process is relayed in much greater and more grisly detail in Book VIII of Plato's *Republic*, where the philosopher compares the demagogic tyrant to a cannibal who has tasted human blood and transforms into a wolf:

So whoever should thus become the leader of the people, taking into his trust an exceedingly loyal mob, when this man does not hold off from kindred blood but unjustly brings accusations, as they are wont to do, and drags people into court and murders them, erasing a man's life, getting a taste for familial slaughter with an unholy tongue and mouth, and banishes and kills and alludes to cancellations of debt and a redistribution of land, is it not thereafter necessary and fated that such a man either be destroyed by his enemies or else become a tyrant and a wolf instead of a man?<sup>8</sup>

Finally Polybius, writing in the second century BCE, adapted a version of Plato's breakdown of constitutions into his own idea of the *anakyklosis*, or cycle of regimes:

<sup>6</sup> For the following tradition of the demagogic tyrant, see Jordovic (2010).

<sup>7</sup> Hdt. 3.82.4: δήμου τε αὖ ἄρχοντος . . . οἱ γὰρ κακοῦντες τὰ κοινὰ συγκύψαντες ποιεῦσι. τοῦτο δὲ τοιοῦτο γίνεται ἐς ὃ ἂν προστάς τις τοῦ δήμου τοὺς τοιούτους παύσῃ. ἐκ δὲ αὐτῶν θωμάζεται οὗτος δὴ ὑπὸ τοῦ δήμου, θωμαζόμενος δὲ ἂν' ὧν ἐφάνη μούναρχος ἑών. (All translations from the Greek are mine.)

<sup>8</sup> Plat. *Rep.* 8.565e-66a: ἄρ' οὖν οὕτω καὶ ὅς ἂν δήμου προεστώς, λαβὼν σφόδρα πειθόμενον ὄχλον, μὴ ἀπόσχηται ἐμφυλίου αἵματος, ἀλλ' ἀδίκως ἐπαιτιώμενος, οἷα δὴ φιλοῦσιν, εἰς δικαστήρια ἄγων μαιφονίῃ, βίον ἀνδρός ἀφανίζων, γλώττῃ τε καὶ στόματι ἀνοσίῳ γευόμενος φόνου συγγενοῦς, καὶ ἀνδρηλατῇ καὶ ἀποκτεινύῃ καὶ ὑποσημαίνῃ χρεῶν τε ἀποκοπὰς καὶ γῆς ἀναδασμόν, ἄρα τῷ τοιοῦτῳ ἀνάγκη δὴ τὸ μετὰ τοῦτο καὶ εἴμαρται ἡ ἀπολωλέναι ὑπὸ τῶν ἐχθρῶν ἢ τυραννεῖν καὶ λύκῳ ἐξ ἀνθρώπου γενέσθαι. See further Arruzza (2018).

Once the masses have become accustomed to eating others' goods and expecting to live off the possessions of their neighbours, then whenever they acquire an ambitious and daring champion . . . they establish mob rule, and carry out, *en masse*, slaughters, acts of banishment, and redistributions of land, until such time as, having arrived at a thoroughly beastly state, they once again find a master and a monarch.<sup>9</sup>

Such was the neat and tidy view of constitutional change, or rather decay: aristocracies devolved into oligarchies, oligarchies gave way to democracy, democracy degenerated into mob rule, and a tyrant arose to restart the cycle all over again. The problem with this theory, like so many others, is that, as Aristotle noted, it failed to fit with the evidence of real life.<sup>10</sup> “In the *Republic*,” the philosopher says in a moment critical of his teacher, “changes of constitution are discussed by Socrates; however, they are discussed poorly.” The difficulty with Socrates' view, Aristotle says, is that “very often all the different types of constitution change into their opposite, not into the one most like them . . . And revolutions often occur the other way around [from what Socrates says]; for example, democracies turn into oligarchy, and more often, in fact, than they do monarchy.”<sup>11</sup> Elsewhere in the *Politics*, drawing on the prodigious research conducted on 158 different city constitutions by his students, Aristotle pronounces, “Democracies undergo constitutional change most of all because of the insolence of the demagogues: For by attacking the owners of property in private through vexatious litigation, in public by riling up the masses against them . . . they cause them to combine.”<sup>12</sup> He then lists multiple examples from history. Of course, in such scenarios the demagogues bear considerable responsibility for creating civil strife, but it is ultimately the wealthy few who put an end to the existing constitution, not one of the demagogues themselves. What replaced democracy in these situations was not tyranny but oligarchy, the rule of the few, which was government conducted by men delimited by a property qualification, ruling in their own interest. Of all the examples surveyed by Ziblatt and Levitsky, the one that approximates this process most nearly is that of Chile in 1973, when military officers backed by US intelligence put down the left-wing government of Salvador Allende. There was seemingly nothing that could

9 Polyb. 6.9.8–9: συνειθισμένον γὰρ τὸ πλῆθος ἐσθίειν τὰ ἀλλότρια καὶ τὰς ἐλπίδας ἔχειν τοῦ ζῆν ἐπὶ τοῖς τῶν πέλας, ὅταν λάβῃ προστάτην μεγαλόφρονα καὶ τολμηρόν, ἐκκλειόμενον δὲ διὰ πενίαν τῶν ἐν τῇ πολιτείᾳ τιμίων, τότε δὴ χειροκρατίαν ἀποτελεῖ, καὶ τότε συναθροιζόμενον ποιεῖ σφαγὰς, φυγὰς, γῆς ἀναδασμούς, ἕως ἂν ἀποτεθῇ τῶν πάλιν εὖρη δεσπότην καὶ μόνάρχον.

10 For Aristotle on constitutional change, see Cairns, Canevaro and Mantzouranis (2022) with replies by Balot (2023) and Knoll (2023).

11 Arist. *Pol.* 1316a1–3, 18–20, 23–24: ἐν δὲ τῇ Πολιτείᾳ λέγεται μὲν περὶ τῶν μεταβολῶν ὑπὸ τοῦ Σωκράτους, οὐ μέντοι λέγεται καλῶς . . . πλεονάκις γὰρ εἰς τὴν ἐναντίαν μεταβάλλουσι πᾶσαι αἱ πολιτεῖαι ἢ τὴν σύνεγγυς . . . καίτοι καὶ ἀνάπαλιν μεταβάλλουσιν, οἷον ἐκ δήμου εἰς ὀλιγαρχίαν, καὶ μᾶλλον ἢ εἰς μοναρχίαν.

12 Arist. *Pol.* 1304b20–24: αἱ μὲν οὖν δημοκρατίαι μάλιστα μεταβάλλουσι διὰ τὴν τῶν δημαγωγῶν ἀσέλγειαν: τὰ μὲν γὰρ ἰδίᾳ συκοφαντοῦντες τοὺς τὰς οὐσίας ἔχοντας συστρέφουσιν αὐτοὺς . . . τὰ δὲ κοινῇ τὸ πλῆθος ἐπάγοντες.

accommodate the nation's elites to Allende's socialist economic policies, and so they overthrew the constitution rather than endure the effects of democracy.<sup>13</sup>

At this point it will be worthwhile to provide a sketch, if only in thumbnail form, of what the meaning and role of demagogues in ancient Greek democracies were. As has often been pointed out, *dēmagōgos* in its most basic sense has a neutral meaning: leader of the people. A demagogue was a man who stood up before the popular assembly of the *dēmos* and proposed what seemed to him to be the most advantageous plan for the people, who then approved his proposal by show of hands in a majority vote. The source of his prestige in the eyes of the people was his rhetorical ability, not any political office he might hold.<sup>14</sup> Of course, very quickly, perhaps concomitantly with its first appearance in the later fifth century BCE in Athens, the word took on decisively negative connotations. Critical use of the term generally fell somewhere between two poles. At one end, which was more acceptable in public use within a democracy, critics claimed that the people were allowing themselves to be deceived by flattering politicians who did not have their best interests at heart. We may call this paradigm “the demagogue as charlatan.” Aristophanes, for example, writing for a popular audience, has a character in the *Frogs* of 405 BCE bewail “the buffoons, the populist monkeys who always deceive the *dēmos*.”<sup>15</sup> At the other end of critical use was a conception of demagoguery that one would hesitate to utter publicly in Athens, namely that demagogues were bad because they increased the power of the common people over that of the elite. This is the “demagogue as class warrior” model. The Old Oligarch utilizes it, for example: “Now anyone who wishes, some wretched creature, can stand up and speak [in the assembly], thereby discovering what is good for him and those similar to him [i.e., the common people].”<sup>16</sup>

Scholars have recently disputed at what point demagogue became a negative term. Melissa Lane argues that the term remained neutral until the time of Plutarch, to my mind not a convincing position, although one followed recently by Gabriella Vanotti.<sup>17</sup> Emmanuèle Caire and Vittorio Saldutti seem to me closer to the mark in stressing the critical, even derogatory flavour of the word from its earliest usage.<sup>18</sup> For my part, I would point out that while constructions like “good demagogue” do come up in some sources, they always refer either to hypothetical politicians or past politicians—no currently practicing politician ever gets labelled an *agathos dêma-*

13 Ziblatt and Levitsky (2018) 2–3.

14 On demagogues in democratic Athens, see, *i.a.*, Finley (2018) ch. 2; Connor (1992); Ober (1989); Mann (2007); Rhodes (2016); Lafargue (2022).

15 Ar. *Ran.* 1085–1086: βωμολόγων δημοπιθήκων / ἐξαπατώντων τὸν δῆμον αἰεί.

16 [Xen.] *Ath. Pol.* 1.6: νῦν δὲ λέγων ὁ βουλόμενος ἀναστάς, ἄνθρωπος πονηρός, ἐξευρίσκει τὸ ἀγαθὸν αὐτῷ τε καὶ τοῖς ὁμοίοις αὐτῷ.

17 Lane (2012); Vanotti (2015).

18 Caire (2019); Saldutti (2015).

*gôgos*.<sup>19</sup> The current crop of demagogues is always bad. The term thus seems to me to point to a certain defensiveness about, if not outright hostility towards, democratic politics.

So demagogues were a structural feature of democracies, as Moses Finley once argued, in the sense that ancient Greek democracies could not function without semi-professional public speakers.<sup>20</sup> I think, however, that they were also a structural pressure point, even a structural weakness, that is, an inescapable part of democracy which, while it could technically proceed without incident, very often tended towards instability and even civil strife. This is because of the socioeconomic structure of ancient Greek poleis: Anywhere there was a “people,” the majority of that people had to work for a living, while a small minority was leisured. In such a situation in a system of majoritarian voting there were strong incentives on the part of the public speaker to gain popularity through championing the interests of the masses to the detriment of the rich.<sup>21</sup> I should be clear: Despite the slanders of comic poets, practically every demagogue we know of came from the ranks of the social elite. They were not “of” the common people, even if they were “for” the common people. A demagogue was a wealthy man who was willing to betray his class, as it were. These betrayals could, but did not always, take the form of prosecuting members of the elite in order to confiscate their wealth for the polis, or of encouraging higher taxes, or a cancellation of debts, or a redistribution of the land, or of generally appealing to the masses in a rhetorical style the elite considered beneath the dignity of the man and his city.<sup>22</sup>

One thing worth noting is that, again, in contrast to the Julius Caesar example, most Greek democracies had multiple demagogues that vied among themselves for power and prestige, not a single great champion of the people who railed uncontested against the elite. Many instances of demagoguery from the sources simply mention “the demagogues” with no further specification: at Argos in 370 BCE, at Tarentum in the 270s, and at Messene in the late third century, for example. (Note that these examples cover both the Classical and early Hellenistic period.)<sup>23</sup> The infamous trial of the Athenian generals after the battle of Arginusae in 406 BCE was not spearheaded by a single man, although one Callixeinus bore the brunt of the blame afterwards. Instead, Xenophon tells, it began with Archdemus, a man at that time “the champion of the

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<sup>19</sup> See, for example, Lys. 27.10 and Isoc. 15.234, the former about the (abstract but in the present case non-existent) qualities of good demagogues, the latter about the now-dead “good demagogue” Pericles.

<sup>20</sup> See Finley (2018) ch. 2.

<sup>21</sup> Politicians were often members of the elite competing, in a traditional fashion stretching back to Homeric epic, for prestige in the eyes of their fellow citizens, but we cannot ignore the combination of 1) social inequality and 2) majoritarian voting in frequently encouraging socially divisive proposals on the part of “demagogues.” For an account based more on elite competition see Börm (2019), who largely follows the approach of (Gehrke [1985]).

<sup>22</sup> See also Simonton (2022).

<sup>23</sup> Diod. Sic. 15.57.3ff.; Plut. *Pyrrh.* 13.2; Plut. *Arat.* 49.5 with Polyb. 7.10.1. For continuing democratic politics in the Hellenistic period, see Hamon (2009).

people,” but the situation escalated through the actions of Timocrates, Lyciscus, and Menecles, men never heard from again in the historical record! It thus took five demagogues total to condemn the helpless generals.<sup>24</sup> This, I think, was the norm. The average demagogue was not like Julius Caesar or Dionysius the Elder: he was relatively weak, his position insecure, and his main concern was to best his rivals in the contest to please the masses. The latter held the reins of power and was the planet around which the demagogic moons orbited, as it were. Most demagogues, however much they may have desired to be tyrant, were most of the time content to act within the constitutional structures of ancient democracy in order to advance their interests; in fact, they often deepened popular power and popular participation, by, for example, proposing laws to assign political magistracies by sortition or instituting payment for office-holding.<sup>25</sup>

I hope the foregoing sketch has made it clear how difficult it is to compare ancient Greek democracies with modern representative democracies, or even with the Roman Republic. In ancient Greek democracies, the presence and power of the common people was unmediated, or perhaps it is better to say “under-mediated.” The whole people was never assembled at the same time on the Pnyx Hill in Athens, but it was nevertheless a representative portion thereof; I note, however, that in smaller cities the whole *dêmos* might perhaps fit into the city’s theater. The *dêmos* was also incapable of collectively articulating its interests, both because that would have been physically and psychologically impossible but more prosaically because the various members of the *dêmos* did not know their collective interests *ex ante*. A demagogue or demagogues had to take stabs, in a sort of stochastic fashion, at formulating their interests for them. In other words, *rhêtores* in Athens represented the Athenian *dêmos* to itself.<sup>26</sup> But still, the masses of people gathered in an ancient democratic assembly were empowered both to vote on political proposals but also to shape the substance of those proposals in real time through shouting and otherwise influencing the speakers.<sup>27</sup> Contrast Roman practice, where an elected magistrate, a member of the Senatorial nobility, always drafted the laws, and where the *populus Romanus* could not debate the merits of the law at the time of voting.<sup>28</sup> The populations of modern

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24 Xen. *Hell.* 1.7.2–34.

25 See, e.g., Diod. Sic. 13.34.6: a politician named Diocles convinces the Syracusans to make their magistracies sortitive in 412/11 BCE.

26 On political identity formation through rhetorical “representation” in the ancient Greek world, see Simonton (2021); Street (2022).

27 On this hubbub-making or *thorubos* see Tacon (2001); Villacèque (2013).

28 I do not wish to suggest that public opinion played no role in the formulation of Roman law or that elites did not gauge the popularity of proposals through, e.g., the *contio*: on these processes, see Rosillo-López (2017); Morstein-Marx (2021) 3–14. On the other hand, the *isêgoria* (equality of ability to address the assembly) and *thorubos* characteristic of ancient Greek democracies meant that the people played a greater part—in my opinion, a much greater part—in the formation of a political will in Greece than in Rome.

democracies are of course even more removed from the process: as either James Madison or Alexander Hamilton wrote in *Federalist* 63, “The true distinction between [the ancient] and the American governments, lies in *the total exclusion of the people, in their collective capacity*, from any share in the *latter*.”<sup>29</sup> Both Ziblatt and Levitsky and David Rafferty, for example, in his excellent recent paper on republican backsliding during Caesar’s consulship<sup>30</sup>, are concerned with breakdown among elites; ancient Greek democracy, however, presents us with the almost unique spectacle of protagonism by the common people themselves, in their capacity as a collective (or a representative sample of that collective, anyway). If we overestimate the number of cases where a demagogue became a tyrant in ancient Greece, that is because we have difficulty imagining genuine popular participation and are more concerned with the behaviour of elites. Ziblatt and Levitsky write that thinking that the people’s role can be decisive “assumes too much of democracy—that the people can shape at will the kind of government they possess.” Shortly after they declare, “Although mass responses to extremist appeals matter, what matters more is whether elites . . . serve as filters.”<sup>31</sup> But the most pressing danger for an ancient democracy, Aristotle says, is not that a demagogue will become a tyrant as elites stand by helpless but that the demagogues will make the *dēmos* itself a kind of collective tyrant. As David Polansky has aptly put it in a recent article, Aristotle’s concern is “less that demagogic leaders will prove to be tyrants-in-waiting than that they will egg on the most tyrannical impulses of the demos.”<sup>32</sup> We will return to this point in a moment.

Now, despite the great gap between ancient Greek and modern representative democracy, it is, I suspect, the cultural cachet of Classical antiquity that leads commentators time and again to compare contemporary populists with the demagogues of the past. As we have seen, the figure of Donald Trump has been subjected to any number of comparisons, most often with Cleon of Athens.<sup>33</sup> We know little about Cleon’s outward appearance or family, but according to Aristotle he was the first to “scream and slander his opponents from the speaker’s platform, and he addressed the assembly with his cloak girt up, whereas the others spoke in good order.”<sup>34</sup> Aristophanes and Thucydides both hated him, accusing him of braggadocio, lying, bribe-taking, a violent temper, conspiracy-mongering, and general boorishness. On a superficial level, how is

<sup>29</sup> Hamilton, Madison and Jay (2014) no. 63 (emphasis in the original).

<sup>30</sup> Rafferty (2022).

<sup>31</sup> Ziblatt and Levitsky (2018) 19.

<sup>32</sup> Polansky (2023) 220. On the *dēmos* as unaccountable tyrant see also Landauer (2019); Hoekstra (2016).

<sup>33</sup> See above, n. 4.

<sup>34</sup> [Arist.] *Ath. Pol.* 28.3: καὶ πρῶτος ἐπὶ τοῦ βήματος ἀνέκραγε καὶ ἐλοιδορήσατο, καὶ περιζωσάμενος ἐδημηγόρησε, τῶν ἄλλων ἐν κόσμῳ λεγόντων. (The claim that Cleon was the first to do these things is almost certainly exaggerated.) Cleon’s father Cleaenetus belonged to the liturgical class of Athens. On Cleon’s political career see Lafargue (2013); Saldutti (2014).

Trump not Cleon *redivivus*?<sup>35</sup> And yet, Cleon rose through the ranks of the *rhêtores* by consistently proposing measures that a majority of Athenians decreed into existence—in fact, probably a supermajority of Athenians, if Mirko Canevaro is correct, as I suspect he is, about the consensus-building dynamics of Athenian assembly procedure.<sup>36</sup> Contrast Trump: It was initially an *un-democratic* features of the US Constitution that elevated him to power, namely the Electoral College. Even then, he could not win re-election as an incumbent in 2020. A majority of Americans always disapproved of Trump during his first term, even as he took advantage of the polarization of the American political system to ingratiate himself with a plurality of the Republican base. Of course, we must now reckon with the fact that Trump has won re-election in 2024, this time with his first-ever popular vote win—the first popular mandate for a Republican Presidential candidate in twenty years. It is important to note, however, that with the vote-counting nearing completion, it is clear that Trump did not win an outright majority of the vote. He won with 49.80% of the vote to Kamala Harris's 48.32%, according to the Cook Political Report. No voting majority has ever brought him to power. Nevertheless, he has become a normalized feature of political life in the US and has a second and final four years to implement his vision. It will be interesting to see to what degree if at all Trump's popular-vote success affects certain conservative thinkers' distrust of democracy. The tech billionaire Peter Thiel, for example, an erstwhile supporter of Trump and of even further-right politicians, has long made public his distaste for democracy.<sup>37</sup> Senator Mike Lee of Utah has tweeted that "democracy isn't the objective; liberty, peace, and prosperity are" and "We want the human condition to flourish. Rank democracy can thwart that."<sup>38</sup> Literally every day, conservative commentators on social media tell us that the US is a republic and not a democracy, in what has become a kind of modern mantra. And so not only has this demagogue only rarely "led the ruling people," but many of his supporters do not want "the people" to rule in the first place.<sup>39</sup> That may change, however, with the result of this most recent election.

The anti-democratic tendencies of Trump's particular brand of so-called demagoguery come through clearly in the analysis of the political philosopher Bernard J. Dobski, as mentioned before the scholar who has undertaken the most sustained comparison of Trump with ancient demagogues of which I am aware. Dobski arguably starts out on the wrong foot by defining demagoguery as a "method of regime change in which a single wealthy oligarch seizes power from an entrenched group of

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35 Here Trump would be a "populist" on the grounds that populists engage in so-called "bad manners," as has been argued by Moffitt (2016). On its own, however, the "bad manners" criterion tells us nothing about a politician's base of support—see further just below.

36 Canevaro (2019).

37 See, e.g., D'Eramo (2023).

38 Cf. <https://twitter.com/SenMikeLee/status/1314089207875371008?lang=en> (seen 11.01.2025).

39 See further Hacker and Pierson (2020).

oligarchs by leveraging the force of the many against the few.”<sup>40</sup> As we have seen, your average act of demagoguery in ancient Greece did not overthrow democracy but instead operated according to its basic institutional rules and ideological principles; moreover, a demagogue in a democracy is by definition not an oligarch in that he does not hold political office in an oligarchic regime, nor does he normally work to institute such a government—it is his opponents who do that. Furthermore, Dobski argues that what all demagogues have in common, Trump and Cleon alike, is an appeal to the irrational passions of the masses.<sup>41</sup> We have already noted that Trump’s reliance on “the masses” has only recently become a reality. But I would emphasize here instead the strange conception of mass leadership Dobski proposes: for him, a salutary act of demagoguery would be one that spurs the people or *dēmos* to so-called “republican ends,” as contrasted with democratic ends: a good demagogue counters “egalitarian passions” by drawing the masses *away* from what Dobski considers “majority views” like “identity politics, critical race theory, and unchecked immigration.”<sup>42</sup> Now, I am far from convinced that a majority of Americans holds the positions Dobski ascribes to them; yet it is clear that he believes that insofar as a majority of citizens subscribes to such ideas, demagoguery can be good to the extent that it checks the people in what they really want. This would all, I submit, appear very strange to an ancient Greek democrat. Such a figure would not be a demagogue but an oligarch, or at least a politician in a democracy that was willing to stand up to the people’s impulses, as Phocion of Athens supposedly was. (I note that he was sentenced to death by a popular court after spearheading an oligarchic regime at Athens for several years.) In other words, Dobski’s “republican” or “anti-democratic” demagogue is, from the Greek perspective, a contradiction in terms.

Is that, then, all there is to say? Are modern “demagogues” and “populists” only ersatz imitations of the ancient Greek original, better understood as crypto- or not so crypto-oligarchs? Not necessarily. So far I have focused on the very American example of Donald Trump. When we expand our remit beyond Trump, however, things become interesting. Because while Trump has only recently become popular, Indian prime minister Narendra Modi has been for years. At a whopping 75% approval rating, Modi is (as of November 2024) the most popular elected politician in the world. This as his government has, according to Amnesty International, “selectively and viciously cracked down on religious minorities,” while “explicit advocacy of hatred by political leaders and public officials towards them was commonplace and went unpunished.”<sup>43</sup> It might be indelicate to suggest, but there is a real possibility here that, like ancient Greek demagogues, Modi is giving his “people” what they want at the ex-

<sup>40</sup> Dobski (2022), quoting the definition of demagoguery supplied by Rubin (2018) 52. See also Dobski (2018) – a peer-reviewed chapter from an edited volume.

<sup>41</sup> Dobski (2022); Dobski (2018) 85–85.

<sup>42</sup> Dobski (2022).

<sup>43</sup> Cf. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india> (seen 11.01.2025).

pense of the rights of minorities.<sup>44</sup> Ziblatt and Levitsky are quick to absolve the people of the authoritarian consequences of their votes: in their words, “solid electoral majorities opposed Hitler and Mussolini—before both men achieved power with the support of political insiders blind to the danger of their own ambitions.” They likewise note that although Hugo Chávez was elected by a majority of voters, “there is little evidence that Venezuelans were looking for a strongman.”<sup>45</sup> Ziblatt and Levitsky, in other words, insist that everyone knows voters do not welcome authoritarianism. To paraphrase the character of Eli Cash from the film *The Royal Tenenbaums*, however, what my analysis presupposes is . . . maybe they do. Taking seriously the power of the people, up to and including their potential to enjoy the perks of collective tyranny, would restore them as a relevant actor in an analysis akin to that of Aristotle in the *Politics* and help to answer a number of questions in the study of contemporary illiberal democracies: Under what conditions do they enjoy popular legitimacy? What perceived benefits do some populations derive from supporting illiberal populist leaders? And what measures might spur those same people to choose a political path that respected the rights of minorities? In a way, it is a shame to look for popular sovereignty only where it is malign. But it would at least move beyond the elite-centred limitations of Ziblatt and Levitsky’s earlier analysis and establish where the power of the people is capable of anything at all.<sup>46</sup>

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<sup>44</sup> Note, however, that Modi’s Bharatiya Janata Party suffered setbacks in the last elections: Sharp (2024).

<sup>45</sup> Ziblatt and Levitsky (2018) 20.

<sup>46</sup> Levitsky and Ziblatt (2023) have recently published a new study, this time focused on the threat of what they call the “tyranny of the minority”. The final chapter is, refreshingly, focused on the need for mass popular movements to reform US political institutions in a more small-d democratic direction, but the study is ultimately vague on where such movements might come from; throughout the work the authors appear more comfortable discussing the actions of elites. See further Robin (2023).

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Amy Russell

# Consensus Breakdown: Or, How Cicero Was Wrong About Rome, and We Might Be Wrong About America

**Abstract:** One persuasive account of the Roman Republic holds that it fell when elite consensus about acceptable political behaviour crumbled. This narrative fits Levitsky and Ziblatt's argument that democracies today can only survive if elites react strongly against breaches of democratic norms. This chapter challenges both sides of the equation, arguing that the Roman Republic is as much a cautionary tale about the risks of elite gatekeeping as a story of disintegrating consensus. Neither then or now was there a true consensus about what the norms of political life are or should be, and to impose one seems anti-democratic in itself. Cicero lays out a suite of norms that were increasingly transgressed after 133 BCE. But his version of underlying consensus is politically motivated, and possibly tendentious: he aims to define his opponents as untenably extremist. Both before and after 133 Roman politicians used violence, aimed at sole rule, and attacked their opponents without restraint – as part of business as usual, with significant popular support. Ideas drawn from open democracy as theorized by Landemore, Laden, Mouffe and others provide an alternative reading, in which it was not “anti-system” actors but those who insisted on consensus who destabilized the republic.

## Introduction

In this chapter,<sup>1</sup> I explore the roles of consensus and its absence in contemporary Western democracy and in a culture which was by no means a full democracy but which is often, for good reason, interpreted as one of the blueprints for modern democracies: republican Rome. One of the fundamental challenges, or indeed paradoxes, of democracy is toleration: if a key democratic value is to allow and indeed encourage members of the community to express their opinions about how the community should act, what are we to do when members express opinions that conflict with the values of democracy itself? Some thinkers hold that democracy must rest on some level of consensus, either about core values or at least about the rules of the

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<sup>1</sup> My thanks to the editors, the audience in Melbourne, and my interdisciplinary colleagues at the Cogut Institute in Brown in 2024, whose feedback has greatly improved this paper. I also derived great benefit from conversations on these themes with Daniela Cammack, Dominic Machado and Bob Morstein-Marx. None should be held responsible for the result.

system in which they can be debated. Opinions that challenge core democratic values of liberty or equality cannot be allowed to enter the political stage, and no proposals can be countenanced that would undo its institutions. Both in early twentieth-century Europe and today the perils we face in upholding democracy may warrant taking a strong reaction against those who threaten it. But the methods some theorists propose for excluding people and opinions they regard as dangerous often themselves seem draconian and antidemocratic: it is possible that they may create a mirage of consensus by excluding certain people, ideas, or opinions as unpolitical or sub-political. A different strand of political thought, by contrast, believes that democracy is at its best when it is most flexible and open to new ideas, even those that might seem challenging to democratic consensus.

Before Rome was an Empire, it was a Republic. Under a system in which a popular ballot passed all legislation and elected all magistrates for fixed terms, the Republic lasted for four and a half hundred years (perhaps 509–44 BCE, though it is hard to attach fixed dates either to its beginning, before the period for which we have reliably dated evidence, or its end, a decades-long slide into civil war and autocracy). Among Roman historians, this Republic is often held up as an example of a system characterised by a uniform consensus of political thought and action, which did not allow participants to conceive alternatives outside its bounds. Many believe that its fall was a direct cause of that inflexibility: when faced with a civil war, Romans of the first century BCE doubled down on political tools that had already failed them.<sup>2</sup> Perhaps, therefore, it makes a perfect case study in analogy for the dangers of too fixed a consensus about the nature and limits of politics. Yet, both among Romanists and in wider conversations about the challenges democracy faces, the Roman example seems more likely to be ranged on the other side of the debate. From a broader perspective, the salient question is not why the system failed in the face of crisis, but how it fell into crisis in the first place. One frequent answer is not too much consensus, but a breakdown of consensus. In the last hundred years of the Republic, this argument runs, ideas and methods that challenged its fundamental values were allowed to enter the political realm. The result was polarization amongst the political elite, a new willingness to use populist appeals, and eventually violence. Consensus about norms of restraint in political competition no longer held back the populists-turned-autocrats who destroyed the Republic.<sup>3</sup>

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2 For Meier (1966), Rome worked itself into a *Krise ohne Alternative*, a crisis without an alternative, in which innovation was impossible and no one was capable of thinking themselves out of institutional and normative gridlock. It could only be replaced by violence, and by something completely different: imperial rule.

3 Elsewhere in this volume, Annelijn de Dijn thinks through the ways in which modern movements and counter-movements have drawn on the memory of unrestrained Roman Republican populists; the fact that the Roman story was, in my opinion, not so clearcut does not detract at all from her con-

A version of the argument that loss of consensus about norms of restraint led to the downfall of the Republic is laid out in this volume in part of the chapter by Fredrik Vervae, Christopher Dart, and David Rafferty. They draw on the work of Steven Levitsky and Daniel Ziblatt, who have proposed that for democracies to survive politicians must adhere to norms of restraint in the exercise of executive power, and respect the legitimacy of their opponents.<sup>4</sup> Vervae, Dart, and Rafferty are correct that Roman Republican politicians, from the land reformer Tiberius Gracchus and his hardline conservative opponent Scipio Nasica in 133 BCE onwards, played political hardball: not only did they seek to extend their executive power in time, space, and magnitude but they used it to attack their opponents, including with violence. From this point of view, the lesson the Republic has for us is that we must work hard to uphold boundaries, norms of behaviour and thought, in politics. For Levitsky and Ziblatt, we must even exclude those who cannot adhere to consensus on basic democratic values.

In this chapter, I offer my own inexpert reading of some modern theories of how democracies can be imperilled either by allowing too many extremist ideas in or by agreeing to keep them out, and go on to use that debate as an inspiration for reevaluating the Roman case. I differ from Vervae, Dart, and Rafferty in emphasis, hypothesizing about a larger context and placing more weight on the question of how to identify a true extremist, or a true breach of republican values. Gracchus and Scipio, like many before and after them, claimed to be acting within the bounds of acceptable republican behaviour. As in the case of dangerous extremists today, we obviously cannot take their own word for it. Unfortunately, however, unlike today, we do not have a huge amount of evidence for the consensus values of republican politics before this moment.<sup>5</sup> Our understanding of these values comes overwhelmingly from Cicero, the statesman and prolific author who lived from 106 to 43 BCE. But can we trust him? I am suspicious.

In an approach which must necessarily be something of a thought experiment, I ask what it would mean to place the narrative of a system based on narrow consensus to one side and see Roman republican politics as remarkably flexible and open. Explanations that rely on a breakdown of consensus imply an earlier period of wide-

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clusions. Indeed, the elevation of Roman populism to archetypal status in modern thought goes a long way to explain how hard it is to break away from that narrative in histories of the Republic itself.

4 Levitsky and Ziblatt (2018); and see further below.

5 Belonick (2023) conducts painstaking research into the scraps of earlier evidence to show that restraint had always been a cardinal virtue of the Roman statesman. In general, his arguments for restraint norms as an important part of Roman political discourse are persuasive, but in my opinion they were honoured more in the breach than in the observance: successful iconoclasts were remembered as brilliant innovators, not unrestrained liabilities. The profusion of checks and balances in the republican system tells against a politics held together by restraint norms. It seems at least as likely to me that competitive Roman politicians used a rhetoric of restraint norms to restrain each other like the proverbial crabs in a bucket.

spread agreement in the political sphere. But once we start looking, it becomes difficult to identify a solid consensus in any period about political policy, norms, or even values that might later have broken down. Politicians of all periods, I believe, sought novel methods to entrench their own power; more tellingly, there seems to have been a widespread willingness to embrace novel solutions even at the expense of what we might see as consensus values. The inflexibility, obsession with consensus, and unbending adherence to tradition that our sources report – and therefore, to some extent, the shock provoked by the actions of a Gracchus or a Scipio – derives from the messaging strategy of one set of elite politicians. Like Margaret Thatcher, they wanted their compatriots to believe that *There Is No Alternative*, as a way of upholding the power of a particular subgroup of elite men who happened to find their temporary ascendancy threatened. I propose a Roman Republic that had always been capacious and open to change, and which fell only when enough Romans were persuaded to be suspicious of potential alternatives. It was this increasing rigidity that ultimately threatened a vibrant republican system. My proposal runs counter to accounts in which Rome was built on consensus and fell after too many transgressive ideas nevertheless wormed their way into the political conversation; ultimately, however, I agree with Vervaeke, Dart, and Rafferty that it was *Reformunwilligkeit* that was the real problem. The question remains of what lesson we should take for ourselves. I am not qualified to diagnose the troubles of democracy in our own time, but I do believe that the Roman case speaks at least equally to the dangers as to the benefits of gatekeeping access to politics.

## Breakdowns of Consensus

The “fall of the Roman Republic” is a slippery subject, and even more so if we are trying to compare it with current worries over the fate of democracy. Yet as the chapters in this volume demonstrate, there are clear points of connection between the various ends of a group of historical political constellations which may not all have been “democratic” in any of the fuller senses used today but which form part of the history of democracy; and, to paraphrase Fergus Millar, the Roman Republic deserves to be considered one of them.<sup>6</sup> And one of the salient facts about the Republic is that, despite its centuries of vitality, longevity, and (I would argue) flexibility, it fell.<sup>7</sup> What

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6 Millar (1998) 11: “it is difficult to see why the Roman Republic should not deserve serious consideration, not just as one type of ancient city-state, but as one of a relatively small group of historical examples of political systems that might deserve the label “democracy.””

7 The question of how, exactly, to determine the tipping point between a democracy and an autocracy is beyond the scope of this paper, but one feature Republican Rome shares with modern ideas of democracy but not with the imperial system that replaced it is an insistence on the people as the ultimate source of political legitimacy, a topic I hope to treat in future work.

fell, however, was not a constitution. The autocrat Augustus could more or less correctly claim that the magistracies and other institutions of the Republic survived under his rule, but that they all deferred to his informal influence.<sup>8</sup> The change must be located in political culture, the ways in which those institutions operated and were understood.<sup>9</sup>

One standard culprit for the fall of the Republic is a breakdown in consensus, as a series of norms that were once strong were increasingly breached.<sup>10</sup> It is possible to name various different kinds of consensus that may have been lost, from elite consensus on basic issues of policy to general consensus that the elite ought to be broadly in charge.<sup>11</sup> But for the comparative and transhistorical interests of the present volume the most interesting type of proposed consensus breakdown is that outlined by Karl-Joachim Hölkeskamp. He sees a disintegration of elite consensus about how the game of politics ought to be played, as individuals failed to respect the norms of moderation

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**8** The question of whether Augustus claimed to have ‘restored the Republic’ is fraught in ways that are not strictly relevant to this paper; the clearest attestations of official phraseology along such lines are the lost inscription *CIL* VI.873, whose context is unclear, and the very rare coin *RIC* I<sup>2</sup> Augustus 413, with Augustus raising the fallen *res publica* to her feet. But texts like *RGDA* 34, which do not explicitly claim to have ‘restored the Republic’, still envisage the continuity of the *res publica* between what we know as Republic and empire; and cf. Vell. Pat. 89.3, in which the *res publica* that Augustus brings back is explicitly understood as a set of political institutions.

**9** On ‘political culture’ as applied to the Roman Republic, see Hölkeskamp (2020), and other articles in Arena and Prag (2022). For more discussion of norms and the difference (and potential conflicts) between norms and rules in Republican Rome, see Lundgreen (2011), (2014); Itgenshorst and Le Doze (2017).

**10** This version of consensus, on how the game should be played, is different from that cited by scholars who explore the role of consensus versus majority rule in republican decision-making: Flaig (2013); Flower (2014).

**11** The ‘frozen waste’ approach to republican politics, according to which no issues of substance were discussed, has largely been superseded by a more nuanced framework that calls on ‘ideological monotony’, for which see e.g. Morstein-Marx (2004); and culturally ingrained habits of deference towards the elite, laid out in e.g. Jehne (1995); Pina Polo (1996); Flaig (2003); Tiersch (2009); Hölkeskamp (2010). I am not personally convinced that there ever was consensus on either of those grounds. Republican politics was a zero-sum game in which elite politicians were highly incentivized to disagree with each other on policy matters in order to challenge and ultimately defeat their competition, and that goes for the time of Flaminius or the Scipios as much as it does for Pompey and Caesar: see further Russell (2013); and on how far back the disagreements go, Russell (2015) 137–138. Meanwhile, various forms of politics from below were institutionalized in both theory and practice: all Romans knew that their current institutions were the product of plebeian secessions, and the outside observer Polybius (6.11–18) understood the system as one of balanced tension, not elite domination. Some of the clearest explanations of the role of the people in the Republic come from Alexander Yakobson: Yakobson (2004), (2010), (2019); for a full exploration of how the sources show both popular opposition to elite agendas and elite awareness of the people’s power, see Morstein-Marx (2013), (2019). Wiseman (2002) and Arena (2012) are among those who attempt to rediscover ideological difference.

in intra-elite competition.<sup>12</sup> Beginning in the late second century BCE, rather than accepting the traditional senatorial process for allocation of military duties, for example, individual generals began to appeal directly to the people to pass a law placing them in command of a given war. Electoral bribery and corruption exploded, as did politically-motivated prosecutions before popular juries. In legislation, rather than allowing new proposals to be hashed out privately among the elite before they were presented to the people for rubber-stamping, politicians launched them directly in public assemblies as a way of garnering personal support; nor did they withdraw them if opposition among the elite was fierce, as had been tradition, instead forcing a vote: win or lose, they laid bare rifts in the political community. Others used the procedural powers of their own magistracies or religious positions to block their rivals' proposals from reaching the ballot. Office-holders attempted to prolong or repeat their terms, in contravention of law and custom. In extreme cases, political rivalries were ended by open violence or private assassination.<sup>13</sup>

Hölkeskamp's claim has remarkable modern parallels. Steven Levitsky and Daniel Ziblatt argue that the greatest threat to democracy in our own time comes when politicians fail to adhere to the extra-legal norms that allow the institutions of democracy to function, namely mutual toleration (respecting the legitimacy of one's opposition) and forbearance (resisting the temptation to use the full powers of one's office in order to stay in office).<sup>14</sup> In both analyses, the breakdown is not one of laws or constitutions but of what the Romans would call *mores*. At one point, there is a consensus about how the game ought to be played; later, that consensus begins to disintegrate, allowing individuals to use their powers (often entirely legally) in ways that run counter to the spirit of the system, and eventually dismantle the system itself.<sup>15</sup> Levitsky and Ziblatt aim their anger primarily at the political right, and particularly Donald Trump, whom they see as barrelling past informal (rather than constitutional) re-

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<sup>12</sup> Hölkeskamp (2010); a similar approach with a different emphasis can now be found in Belonik (2023).

<sup>13</sup> See the chapter by Vervaet, Dart and Rafferty for the full narrative of these developments.

<sup>14</sup> Levitsky and Ziblatt (2018).

<sup>15</sup> Hammer (2023) proposes a new approach to loss of consensus in the Roman Republic, with explicit parallels to contemporary America: both have seen a loss of consensus specifically on the value that politics is the right venue for the community to deal with disagreement. Defining politics not as a way for individuals and groups to articulate and mediate their (conflicting) interests, but as an arena for whole-community identity formation and contestation, "the realm in which a community actualizes itself, projecting itself into the future" (188), he argues that the increasingly violent attacks, in word and deed, that Roman politicians made on each other during the last decades of the Republic tore apart the idea of a unified political community. Declaring your opponent a *hostis*, a public enemy, marks him as a Stranger, someone who does not share your image of either past or future and who thus cannot be dealt with in a political framework. In this model of consensus breakdown, citizens lose trust in each other and in the power of politics to mediate their differences. Violence is the likely result.

strictions on executive power. And the parallel in Roman history is not difficult to draw: Augustus, following in the footsteps of Caesar and Pompey, used legitimately-granted powers and a veneer of respect for the traditional forms of politics to make himself an autocrat.

## The Comparative Approach

An analysis that sees the fall of the Roman Republic as caused by a breakdown of consensus is likely to strike a familiar note for anyone living through the present decade. The scholarly literature and popular media in the USA, where I live, but also in my home country, the UK, and other Western democracies frequently note a rise in polarization, disregard for accepted political norms, and even a lack of faith in politics. Prominent politicians around the world are not merely taking our institutions in directions we may not like but are questioning, evading, and eventually delegitimizing those institutions themselves. So, for example, it does not take much to move from Donald Trump's Big Lie that the 2020 election was fraudulent to an attack on the legitimacy of the very concept of elections, or even democracy.<sup>16</sup> It is easy to feel like we are living in a time of crumbling consensus about political ideals, or how politics should work, or indeed that politics is the answer.

It is possible, however, to see things differently. Later in this chapter I will propose that there was never as stable a consensus about the rules and norms of Roman politics as our sources might have us believe. For the modern case, we are better equipped to confirm or controvert a potential consensus in practice as well as in theory.

In much of the contemporary western world, we might feel that until recently we have lived in a time of remarkably stable politics. There seems to have been general agreement about the desirability of democracy, rule of law, and good governance; and the importance of defining a political realm in which our disagreements can be resolved without violence. The past century has seen the rapid expansion of international political bodies, from the UN to the International Criminal Court, that at least attempt to project rules, norms, and even political community onto the global level. But it is no coincidence that this state of affairs is sometimes encapsulated in Francis Fukuyama's phrase 'the end of history'.<sup>17</sup> History means change. In the long term, large-scale political stability is rare, and historians might naturally expect that the fu-

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<sup>16</sup> Discussion in Clayton *et al.* (2021); Arceneaux and Truex (2022); and Hill's chapter in this volume.

<sup>17</sup> Fukuyama (1992).

ture will be different from the present.<sup>18</sup> Indeed, the end of history may already have come.<sup>19</sup>

My point is less ambitious. If we scratch the surface of 20<sup>th</sup> and 21<sup>st</sup> century western democracies it is not difficult to find individuals and groups expressing ideas that seem to stand outside the shared values of liberal democracy. These ideas and their expression are not merely a phenomenon of the past five, or ten, or twenty years. They may be profoundly undemocratic, or patently illegal, or perhaps even unthinkable within an ivory tower framework of the rule of law; but they exist. There is not now, and has not been in the past, any universal consensus that democracy, or even politics, is the right way to run our society.

The radical, extremist, constitutionally incomprehensible positions I could cite range across the political spectrum. They can be found among all social and economic groups. Plenty of people, for example, believe that we should be pushing for violent revolution, in variants ranging from fascist to Maoist. Some believe that Donald Trump has a divine mandate to seize power; or that supporters of Donald Trump should be denied the vote, perhaps by some kind of IQ test. Others hold that climate change is so pressing a problem that we must bypass the slow institutions of politics in order to combat it. Newspapers print opinion pieces suggesting that the UK monarch should refuse royal assent to upcoming bills on the grounds that they are cruel or bad or unfair or antifeminist or racist – not on the grounds that they were illegally passed. I could multiply these examples, from across the political spectrum, and from the frankly persuasive to the truly terrifying.<sup>20</sup>

Do these opinions represent a breakdown of consensus about the basic truths and values of politics? The existence of radical points of view is surely nothing new.<sup>21</sup> The fact that particular examples have begun to surface in new places, from major newspaper editorials to the floor of the Senate, certainly concerns me on a personal level. But to call this change a breakdown or decline implies a qualitative distinction between different venues or modes of expression. As I say, I am certainly more worried when I read that the President of the United States of America denies the legitimacy of an election than I am when a stranger in a bar assures me that the Illuminati have it all sewn up. But to draw a distinction between opinions circulating among the general public and those that rise to the level of political importance is a serious, and in many cases unexamined, step.<sup>22</sup> Is an opinion not to be taken seriously just because

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<sup>18</sup> And, of course, it is not difficult to pick out not just entire areas of the world but also individual times and places within our most vaunted democracies in which the situation has been very different, even in recent years; see further Pina Polo's paper in this volume.

<sup>19</sup> Graber, Levinson and Tushnet (2018) 2: "the end-of-ideology era appears to have ended".

<sup>20</sup> In this volume, see Simonton on tweets by senior members of the US Republican party.

<sup>21</sup> What is and is not 'radical' changes over time, of course; but whatever the existing hegemony anti-hegemonic opinions have always existed.

<sup>22</sup> For one attempt to theorize it, see Habermas (1996).

few people hold it?<sup>23</sup> Or because those who do are not to our taste? We can hardly appeal to a notion of consensus, now or in the past, if what is actually happening is that dissenting points of view are denied, suppressed, or ignored.

Various branches of theory have explored how the spectrum of acceptable political opinions is defined and reproduced in different societies – or alternatively how unacceptable opinions are excluded. The political scientist Joseph Overton defined the range of politically acceptable policy proposals in a model that has come to be known as the Overton Window.<sup>24</sup> For Overton, the window is defined by mainstream public opinion: no politician would propose a policy outside that window for risk of being seen as too radical. In journalism, Daniel C. Hallin proposed that topics are divided into a sphere of consensus, a sphere of controversy, and a sphere of deviance, together known as Hallin's Spheres. Journalists can assume consensus on issues in the first group, treat the second group as legitimate controversies which they should report in a balanced manner, and dismiss the third group as irrelevant, humorous, or taboo.<sup>25</sup> Hallin's approach implies a role for journalism in forming as well as responding to wider public opinion: ideas that are not covered in the media will find it hard to gain broader currency. Some go further: the mass communication theory of the 'spiral of silence' proposes that individuals self-censor their own opinions based on their perceptions of what majority opinion might be, which are themselves primarily informed by mass media;<sup>26</sup> while in Sweden the 'opinion corridor', a term coined by a political scientist but publicized in the press, refers to the idea that politicians and the media foster a kind of group-think in which expressing opinions outside a certain range is stigmatized.<sup>27</sup> Yet most of these concepts are highly controversial. They have proved ripe for exploitation by populist movements, particularly on the extreme right, who seek to discredit the mainstream media and the traditional political establishment by depicting them as the 'deep state' or 'the blob': authoritarian enforcers of a liberal worldview that the populists claim excludes the people's true opinions.<sup>28</sup> In 2010 the right-wing American political commentator Glenn Beck published a novel in

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23 Clearly it would be possible to define 'consensus' quantitatively; perhaps if 80% of the community believe in democracy we should call that a consensus. But why not require 95%, or be satisfied with 51%? At what point does the existence of a minority threaten a consensus? Can a minority opinion be defined out of the political realm? Are its adherents thus defined out of the political community? For more on the indeterminacy of the community, and thus *a fortiori* of its consensus, see Thomassen (2022).

24 Lehman (2010), a pamphlet produced by Overton's former think tank, summarizes the approach.

25 Hallin (1986).

26 Noelle-Neumann (1974). For context on Noelle-Neumann's association with the Nazi party, see Bogart (1991).

27 Agné and Möller (2022) 356.

28 Bogart (1991) reports that Noelle-Neumann's early writings for Nazi outlets accused a Jewish cabal of controlling US public opinion through the media; readers may decide for themselves whether this should discredit her later scholarship, but it certainly demonstrates how similar ideas can be mobilized to authoritarian ends. 'Opinion corridor' as a focus of right-wing complaint: Fawzi (2020) 49.

which the main character comes to realise that the public relations industry has manipulated citizens' views of what is politically acceptable to the point that they are ready to give up their constitutional liberties: he titled it *The Overton Window*.<sup>29</sup>

From a diametrically-opposed perspective, many have felt threatened by the rise of far-right political movements both in early twentieth-century Europe and today. In the face of these threats, some theorists of democracy have embraced the idea that certain opinions or even people should indeed be excluded from political discourse, primarily because they threaten the established system either in terms of rules, norms, or values.<sup>30</sup> At the most basic level, this is a classic paradox of tolerance: can we tolerate the intolerant?<sup>31</sup> Once explored in more detail, it raises questions of which opinions count as extreme enough to be threatening, and who should have the power to decide.

The focus of the scholars who argue for the exclusion of some ideas or candidates is often on the political elite as decision-makers and gatekeepers: rather than blaming the people for electing the wrong leaders or voting for the wrong policies, they might argue that no such leaders should never have been allowed to stand for election, and no politician should have been allowed to propose such policies.<sup>32</sup> Many constitutions allow, or even require, that extremist political parties (often expressed in the literature as anti-system parties) be banned.<sup>33</sup> The preeminent example is Germany, where the doctrine of *streitbare Demokratie*, 'militant democracy', gives the government sweeping powers to ban parties, bar candidates from standing, and even use violence against those suspected of threatening liberal democracy.<sup>34</sup> Another strand of thought argues that banning parties is repressive, but still puts the onus on political elites: parties themselves should be expected to screen out extremist candidates.<sup>35</sup> For Levitsky and Ziblatt, a preeminent threat to democracy is the rise of extremist demagogues, who must not be allowed a hearing. Such figures, they concede, are common. But, in

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<sup>29</sup> For the alt-right's embrace of the concept of the Overton Window more generally, see Atkinson (2018) 313.

<sup>30</sup> Examples are explored in the following paragraphs, but my primary examples are anti-Nazi thinkers such as Karl Loewenstein in the 1930s and 1940s, for whom see Isacharoff (2015) 1–124 and Müller (2012); and the influential work of Levitsky and Ziblatt (2018) today. Capoccia (2005) provides a link, examining the fate of various democracies in WW2 Europe as a guide for how best to resist autocracy now and in the future.

<sup>31</sup> Isacharoff (2015) is a wide-ranging discussion; Capoccia (2005) 5 and 234 provides many references.

<sup>32</sup> Lane Scheppelle (2018) 495: "In my view . . . the blame-the-populists camp is far too harsh on "the people" who, after all, were only choosing an option that they were offered. The populist explanation begs the prior question of why democratic publics are being served up destructive choices in the first place."

<sup>33</sup> Lane Scheppelle (2018) 497–498; Isacharoff (2015) 36–37; on the historical success of such bans, Capoccia (2005); and from a theoretical perspective, Sartori (1976) (who coins the phrase 'anti-system parties').

<sup>34</sup> Isacharoff (2015) 1–124; Müller (2012).

<sup>35</sup> E.g. Lane Scheppelle (2018); Levitsky and Ziblatt (2018).

their words, “an essential test for democracies is not whether such figures emerge, but whether political leaders, and especially political parties, work to prevent them from gaining power in the first place – by keeping them off mainstream party tickets, refusing to endorse or align with them, and, when necessary, making common cause with rivals in support of democratic candidates.”<sup>36</sup> Democracies that fail to exclude extremist ideas will fall.

Defending democracy by these means can appear incredibly undemocratic. Ordinary voters are not an important part of the mechanisms envisaged, primarily because they are understood as having only have limited power to shape policy.<sup>37</sup> Levitsky and Ziblatt do believe that, in general, public opinion favours democracy over authoritarianism, noting that “solid electoral majorities opposed Hitler and Mussolini – before both men achieved power with the support of political insiders blind to the danger of their own ambitions”.<sup>38</sup> But this glosses over the large (and growing) minorities – and, conceivably, majorities – of ordinary people who do openly espouse anti-democratic ideas, including those that cross ‘red lines’ of restraint in the exercise of executive power or toleration of the legitimacy of one’s opponents. To stick to Levitsky and Ziblatt’s own examples (rather than immediately wade into the morass of 2024), Hugo Chávez was elected by an electoral majority; for them, the fact that only 25% of Venezuelans expressed anti-democratic opinions in a 1998 survey demonstrates that the people voted for him for other reasons than desire for authoritarian rule.<sup>39</sup> But 25% is not zero: it is a substantial minority. Are these Venezuelans’ opinions invalid? In America, the 2014 World Values Survey found that one in six citizens felt positively towards military rule, 35% would approve of a strong unelected leader, and nearly half thought decisions should be made by an unelected technocracy.<sup>40</sup> For Levitsky and Ziblatt, elites can and should act as “gatekeepers” (their word), preventing such opinions from entering the political realm.<sup>41</sup>

These defenders of democracy wish to maintain a necessary consensus over rules, norms, and values by relying on the political elite (often including the established media) to exclude certain people and opinions from politics. The hard right’s attacks on gatekeeping of this kind have been extremely effective in winning support for alternative media and populist platforms, to disturbing results. Yet on some level the right-wing

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<sup>36</sup> Levitsky and Ziblatt (2018) 12.

<sup>37</sup> Levitsky and Ziblatt (2018) 22. The historical work of Capoccia (2005) recommends the second and third strategies, which do not offend the principles of open democracy; it is when Levitsky and Ziblatt begin to claim that extremists (as defined by existing elites) should not be allowed a hearing that they cross the line (neutrally) and King and Smith (2018) 466 (negatively) note that modern advanced democracies show “weak policy representativeness”: the interests of many are neglected.

<sup>38</sup> Levitsky and Ziblatt (2018) 22.

<sup>39</sup> Levitsky and Ziblatt (2018) 22: “but there is little evidence that Venezuelans were looking for a strongman.” Simonton in this volume also discusses their interpretations of the motivations behind people’s votes.

<sup>40</sup> I have taken this data and its interpretation from Ginsburg and Huq (2018) 45–46.

<sup>41</sup> Levitsky and Ziblatt (2018) 37.

critique is not that different from that of the philosopher James Tully, who as part of his push towards democratic pluralism and social justice argues that political culture today denies participation to those unwilling to assimilate to the ways of the dominant group – an injustice that disproportionately excludes the political voice of indigenous, racialized, and immigrant populations.<sup>42</sup> And a closed, inflexible version of democracy that relies on elite gatekeeping begins to sound uncomfortably authoritarian and undemocratic in itself. It is open to attack from all angles. For one, the consensus model of agreed norms in politics only functions if we define politics as confined to some fixed set of institutions. Party grandees and back-room deals may be able to keep radical opinions out of the Senate, but those opinions do not cease to exist and to form part of wider political discourse. Dipesh Chakrabarty, for example, challenges political historians to see protests and even riots as valid forms of political action.<sup>43</sup> These collective acts may fall outside of or even pose a direct threat to the institutions of government, but that only makes them more political. The claim that they are less politically important or even sub-political functions to dismiss them and reproduce elite power; and their very existence implies a lack of consensus on basic values such as non-violence in politics.

The political scientist Hélène Landemore has made a passionate plea for what she calls ‘open democracy’, a world in which more rather than fewer decisions involve popular participation.<sup>44</sup> Taking his cue in part from her, Anthony Simon Laden lays out a more general definition of open as against closed democracy: rather than an “institutional form that enables collectives to legitimately rule themselves”, open democracy is a “social form in which people work out the rules under which they live together”.<sup>45</sup> In his analysis, opinions which might be called “anti-system” are not a threat: the people in a democracy must be allowed to challenge everything, even the system itself.<sup>46</sup> There is thus no such thing as an anti-system opinion or proposal; the

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<sup>42</sup> Tully (2002) 223; one of his key concerns is that hegemonic politics excludes indigenous ways of being and debating.

<sup>43</sup> Chakrabarty (2006), applied to Rome by Machado (2020); compare Mansbridge’s analysis at Mansbridge *et al.* (2022) 1 of open democracy as including “protests, mass gatherings, and social movements” as part of a political system that is less a rigid (“systematic”) mechanism and more a fluid ecosystem.

<sup>44</sup> Landemore (2020). She does not propose government by referendum; instead, she wants far more smaller, often local decision-making bodies on which a much greater proportion of the population would serve. In Mansbridge *et al.* (2022), Daniela Cammack brings the ancient world into the discussion of Landemore’s work (and I thank Daniela for bringing it to my attention).

<sup>45</sup> Laden (2022) 25.

<sup>46</sup> Laden (2022) 35; see also Tully (2002) 206: “If the rules by which the demos are governed are imposed by someone else, and even if they have a range of freedoms within this other-imposed regime, they are not self-governing, self-determining or sovereign, and are thus unfree. To be free democratically is not only to be able to participate in various ways in accordance with the principles, rules and procedures of the constitutional system, as important as this is, but also, and crucially, always to be able to take one step back, dissent, and call into question the principles, rules or procedures by which one is governed and to enter into (rule-governed) deliberations over them, or usually over a subset of

ability to make any kind of proposal is central to the system. The highest value to which this kind of open democracy aspires is not consensus about the rules or norms of politics, or even about the definition of ‘democracy’ itself, but pluralism.<sup>47</sup> Similarly, Chantal Mouffe has called for what she calls ‘antagonistic democracy’: rather than aiming at a rational consensus that can never exist, she wishes to embrace the fact that fundamental differences between citizens and their opinions can never be resolved.<sup>48</sup> She represents a wider stream of ‘agonistic democrats’, who see the rational consensus of Habermasian ‘deliberative democracy’ as illusory and argue that disagreement, not agreement, is at the heart of any democratic system.<sup>49</sup> It is not my goal to prove that these theorists are correct; they do not offer the same kind of immediate practical remedies to current extremist threats as Levitsky and Ziblatt do, and on a theoretical level it is hard to see how their models do not require some level of consensus at the foundation.<sup>50</sup> But their claim is that the consensus is always provisional and malleable, and that defending it by gatekeeping is the worst possible response;<sup>51</sup> instead, “the cure for the ills of democracy is more democracy”.<sup>52</sup>

I bring in the proponents of open democracy not only because they mirror my instinctive suspicion of Levitsky and Ziblatt’s elite-focused mode of defending democracy, but because their alternative analysis can, I think, help shed a specific light on claims about a breakdown in consensus as the cause of the Roman Republic’s fall. Chantal Mouffe’s work on open democracy is primarily an attack on neoliberalism, an attempt to challenge Margaret Thatcher’s dictum “there is no alternative”.<sup>53</sup> Thatcher meant that free-market capitalism was the only workable, moral, or even conceivable economic and political system. But it was always an argument rather than a statement of fact, an attempt to define other possibilities or opinions out of existence. Mouffe appeals to Marxist theories of hegemony to claim that there is always, by definition, an alternative. But what is important for the present chapter is that Mouffe exposes

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them, with those who govern.” ‘Rule-governed’ clearly remains important; but any of those rules is itself up for debate.

47 As Thomassen (2022) 56–57 points out, the result is not unlimited toleration for would-be autocrats or populists, since populism is antipluralistic.

48 Mouffe (2000).

49 Tully (2002) 207–208 traces the debate back to Habermas and Rawls. For an example of a deliberative democrat arguing for open democracy, see Scudder (2019).

50 Critique in Knops (2007). For Mouffe (2005) 121, all antagonistic democrats must still subscribe to the values of liberty and equality.

51 Laden (2022) 29 directly attacks Levitsky and Ziblatt’s gatekeeping.

52 The original quote is from Jane Addams. Levitsky and Ziblatt (2018) 45 explicitly disagree; when the McGovern-Fraser commission quoted Addams in their 1971 report on the US Democratic party’s nomination process the result was the new system of binding primaries, which Levitsky and Ziblatt see as ending the era of sensible smoke-filled rooms of party grandees anointing the candidate and opening the field for populists, with Trump as the latest result.

53 Mouffe (2022) 96.

Thatcher's phrase (and its incredible success) as an example of precisely the kind of gatekeeping Levitsky and Ziblatt want to see in reverse. There always was an alternative, and plenty of people proposed it, but they were pushed out of a political realm defined by neoliberal ideology.

Levitsky and Ziblatt see Donald Trump as the most pressing threat to American democracy. For them, as late as 2023, the saving grace was that he did not in fact have majority support, and if his ideas could not be kept out of politics the answer should be electoral reform to prevent the arcane rules of the US election from giving victory to a minority.<sup>54</sup> Yet as I write these words, in November 2024, it is becoming increasingly clear that he has not just won a majority of the electoral college, but a plurality of the popular vote. By the time you read them it may be more clear what a second Trump administration is like, but his campaign rhetoric did not provide substantial grounds for hope that he will respect Levitsky and Ziblatt's core values of restraint in the exercise of executive power or recognition of his opponents' legitimacy. Yet few would argue that it would be somehow more democratic to refuse to accept the results of the 2024 election. Rather, I hope that we can trust in the capaciousness of our democracy, and the fact that it allows us to work across as broad a political realm as possible to lay out alternatives.

## Defining a Consensus in Rome

Interpreting the crisis of the Republic, Roman or American, in terms of consensus breakdown requires demonstrating two things: that a consensus about how politics should work once existed, and that it has since declined. It is easy to find examples of either Trump or Augustus thumbing their noses at all kinds of checks and balances, to the outrage of their opponents. The first half of the proposition is harder to establish. I am suspicious that any such consensus is possible, either in Roman times or in the twenty-first century. In the present volume, authors take great pains to define their own uses of words like 'democracy', 'republic', 'populist', or 'authoritarian', precisely because these terms are contested both technically and practically. In the practical sense, arguments range across the media and the wider internet about when a certain act or institution is or is not democratic and what crosses the line into populism or authoritarianism. In the technical sense, these are essentially contested concepts, understood in fundamentally different ways by different people and more often used as the terrain for argument than as its building blocks.<sup>55</sup>

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<sup>54</sup> Levitsky and Ziblatt (2023). There are, of course, plenty of ways the voting process could be made even more representative; Trump's majority is still a minority of eligible voters.

<sup>55</sup> Essentially contested concepts (with 'democracy' as the prime example): Gallie (1955–1956). Applied to the question of how to identify democratic decline: Mouffe (2022); Thomassen (2022).

As Claudia Moatti has demonstrated, analogous concepts in Rome were no better defined.<sup>56</sup> The sources we have in which Roman authors discuss their political system, its ideals and norms, represent not a code we must crack to determine the true definition of a concept like *res publica* or the appropriate behaviours of a Roman politician, but a series of ongoing arguments that testify to a lack of agreement on precisely these questions. We should not, Moatti reminds us, mistake discourse for practice. The systems we diagram and teach to our students, whether expressed in terms of institutions or culture, are abstractions derived from various one-sided and tendentious accounts of how Roman politics worked. Our sources are all deeply implicated in partisan projects of persuasive definition.<sup>57</sup> What is more, they tend to all come from a certain elite (and primarily Ciceronian) angle. But the root of the problem is not that Cicero's picture of the Republic is biased. It is that there was never any agreement about what the political institutions or norms of the Roman Republic were or should have been.<sup>58</sup> Moatti argues that part of the Late Republican elite, represented to us by Cicero, were busily engaged in an intellectually complex project to construct a new understanding of the *res publica* as a *politeia*.<sup>59</sup> In their philosophical and theoretical writings they described a Republic understood primarily in terms of Greek political theory and based on a particular set of abstract values and institutions. It is vital to understand that such descriptions are not neutral records of fact, but political actors with political consequences. In this case, the redefinition of the *res publica* as a specific quasi-constitutional system served to label politicians of other stripes as acting illegally or unconstitutionally, when in fact they may have been operating on a different understanding of what was legal or constitutional.<sup>60</sup> In modern terms, it is possible that Cicero created his own image of the system as a way to identify his opponents as anti-system and thus justify excluding them from the political realm.

So, for example, as Moatti explains it, in 44–3 BCE Mark Antony and Cicero differed not only on matters of policy but also on the terms of their debate: what for Antony was a *dissensio partium*, a (regrettable but standard) disagreement between two groups of politicians, was for Cicero a *bellum cum rei publica*, a war against the Republic (*Phil.* 5.32).<sup>61</sup> Moatti is correct: throughout the *Philippics*, his published collection of his own political speeches from these two years, Cicero attempts to define Antony as outside the *res publica*. Antony's actions are so far beyond the boundaries of what is constitutional, legal, or acceptable that he has placed himself in direct opposition to the community, and should be treated as a *hostis*, a foreign enemy.

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<sup>56</sup> Moatti (2011).

<sup>57</sup> This goes for norms as well as rules; for example, Russell (2019) explores how some Ciceronian speeches aim, tendentially, to convince their audiences that a given practice was the norm.

<sup>58</sup> For a similar argument, see Nippel (2007).

<sup>59</sup> Moatti (2018).

<sup>60</sup> For some examples of this phenomenon, see Russell (forthcoming).

<sup>61</sup> Moatti (2011) 114.

But an additional nuance of Cicero's delineation of the *res publica* and Antony's relationship to it is that Cicero defines Antony and his claims as outside politics itself. The disagreement between them is so great that it cannot be resolved by political means and must be treated as a war. The field of 'politics' is thus constructed as including some forms of dissent – and some people – and excluding others.<sup>62</sup> For Dean Hammer, such a move testifies to the breakdown of political values and the fragmentation of the community. For Dominic Machado, it is hardly surprising: this was a system built on violence and slavery, an already-fragmented community in which no true consensus could ever be possible.<sup>63</sup> Cicero starts from a definition of the political realm that only ever allows entry to a tiny fraction of the populace, or even of the citizens. In such a context, it seems almost inevitable that his attempts to define even his elite opponents as outside the consensus of all reasonable Romans are not limited to the very threshold of civil war.

It is a consistent problem of Roman Republican history that we are usually forced to intuit the positions and arguments of Cicero's political opponents by reading Cicero's own speeches against the grain. Even more difficult to access are opinions that he ignores or excludes from consideration. Difficult, but not impossible: it is possible to dig up examples of radical, extremist, "anti-system" thought. It is true that the majority of cases fall within the chaotic final period of the Republic – though not its very last years; but even that may simply be because our sources for earlier periods offer far less detail.<sup>64</sup> Those who claim that there was a consensus before 133 BCE face a similar problem of evidence. In the following paragraphs, therefore, I look for signs both that apparent breaches of Ciceronian norms go back well before 133, and that in the time of Cicero himself some contemporaries did not share his idea of what the key values of the Republic were.

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<sup>62</sup> We might compare the 'first paradox of democracy' defined by Diamond (1990) 48 as consensus vs. conflict: democracy is a competitive system, so it must allow for conflict – "but not too much".

<sup>63</sup> Machado (2024) 358–367.

<sup>64</sup> Vervaeke, Dart and Rafferty in this volume make a strong case for a breakdown of norms, in the Levitsky and Ziblatt sense, in the late period. My main counterargument is that we do not know enough about the politicians and practices of the earlier period to be so sure that their behaviour was new, and thus that the supposed norms they breached were old. Were Gaius Flaminius, author of a bill to redistribute land in 232, or Scipio Africanus, who extorted the Senate into allowing him to invade North Africa in 205 by threatening to have the command voted to him by the popular assemblies if they refused, any less inclined to political hardball than Gracchus or Pompey? Appian's claim (*BC* 1.2) that 133 saw the first instance of political violence in the Republic has been influential, but must be situated in his own historiographical context: Russell (2015) 134–135.

## Evidence for Alternatives

Elsewhere, I have discussed Cicero's approach to popular sovereignty in his speech *Pro Flacco* as an example of persuasive definition.<sup>65</sup> There, he claims that the *maiores*, the ancestors, instituted a fine tradition when they hedged around the lawmaking ability of sovereign *populus* with procedural delays, checks and balances under the wise control of the elite:

*nullam enim illi nostri sapientissimi et sanctissimi viri vim contionis esse voluerunt; quae scisceret plebes aut quae populus iuberet, submota contione, distributis partibus, tributim et centuriatim discriptis ordinibus, classibus, aetatibus, auditis auctoribus, re multos dies promulgata et cognita iuberi vetarique voluerunt.* (Cic. *Flac.* 15)

Our wise and pious ancestors did not want power to belong in the *contio*; they wished that, when the *plebs* were making a decision or the *populus* were making an order, it should only be ordered or forbidden once the *contio* had been dismissed, once the crowd had been distributed into its voting units, once the tribes and centuries had been separated out by order, class, and age, once the proposers had spoken, once the issue had been promulgated and disseminated over the course of several days.

It does not seem immediately strange that the decision-making power of the Roman *comitia* should be limited by these kinds of restrictions. They fit into a standard way of seeing Roman politics as elite-dominated, legalistic, and ritualistic, under the thumb of “the invisible optimate”, the ideological hegemony of a single perspective that reproduced existing social hierarchies.<sup>66</sup> What is more, from a modern perspective like that of Levitsky and Ziblatt one could argue that such restrictions are sensible or even necessary. A set of consensus-forming institutions, dedicated to ensuring some reasonable boundaries for popular politics, constitute a collection of clear norms which function to reinforce the rule of law.

The *Pro Flacco* passage could be paired with many others from Cicero in which he expresses some basic assertions about the structural nature and norms of Roman politics. The underlying claim is that while the people are sovereign, in institutional terms their exercise of sovereign power has to come in a certain format: the legally convened *contio* (public meeting) and *comitia* (voting process). Viewing that format through the lens of political culture shows clearly how it grants a great deal of power to the elite.<sup>67</sup> Only a magistrate could summon a *contio* or put a question to the *comitia*; speaking privileges were monopolized by the elite, who therefore also controlled the flow of information; and the voting system itself had a plutocratic bias, allotting more weight to ballots cast by richer citizens. Cicero is aware that those of his oppo-

<sup>65</sup> Cic. *Flacc.* 15; Russell (forthcoming).

<sup>66</sup> “Invisible optimate”: Morstein-Marx (2004) 204–240.

<sup>67</sup> E.g. Hölkeskamp (1995); Pina Polo (1996); Morstein-Marx (2004).

nents who presented themselves as popular champions might not agree with the final step of his analysis, that the resulting limits on popular sovereignty were a good thing (even Cicero himself is apt to give more airtime to the power of the people when he is speaking directly to them), but the basic point that sovereign power belongs to the people but is only exercised through the *comitia* is presented as uncontroversial, part of the basic apparatus of Roman politics, on which consensus can be expected.<sup>68</sup> Yet can we trust the impression Cicero gives us? We have very little evidence from any other perspective to balance it out. If other people were saying other things, making radically different claims, how would we even know?

In my opinion, it is fair to speculate about the Roman equivalents of today's billionaires suggesting that democracy does not work and some people should not be allowed a vote, or intellectuals longing for the revolution, or grassroots groups preparing citizen militias to take down the US government. There must have been radical, extremist opinions at large among the Roman populace. Beyond an appeal to human nature or Mouffe's Gramscian understanding of hegemony and the impossibility of consensus, my evidence for the fact that there was a faction in Roman society looking for an alternative is that when the future Augustus offered one they jumped at it. But we can also point to specifics.<sup>69</sup> Over the years, we see some truly radical ideas rise to the status of the political, from large to small, reformist to reactionary to frankly bizarre. Fulvius Flaccus' proposal to grant citizenship to the Italian allies in 125 BCE was well outside the norms of his time, when citizenship was still restricted to Romans; it still sounds radical, but less so given that we know that it did in fact happen a generation later.<sup>70</sup> In the 80s BCE, Sulla undercut one of the most fundamental pillars of the Roman political system when he modified the tribunate of the *plebs*, the magistracy most often used by those attempting to challenge the elite political monopoly: Sulla took away its power to propose legislation.<sup>71</sup> In 104 BCE, perhaps for his own personal reasons, Gnaeus Domitius Ahenobarbus proposed and successfully passed a law that priests, whose religious role came with significant political influence, should be elected by the people rather than co-opted by the existing (elite) priesthood-holders; by Caesar's time this was part of Roman tradition, but in Ahenobarbus's

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<sup>68</sup> See Russell (forthcoming) for the argument that by reading between the lines of the *Pro Flacco* passage itself we can reconstruct a Clodian argument that the elite cannot insist on such strict procedural limits. But even though they may disagree on the details, both interpretations share an underlying framework in which the legally-binding will of the Roman people can only be expressed via the formal institutions of politics. In the present chapter, I take my speculation to the next level.

<sup>69</sup> For further arguments against consensus, see Morstein-Marx (2013), (2019); Machado (2024); and, in this volume, especially the chapter by Hillard and Beness.

<sup>70</sup> App. *B Civ* 1.21, and (with a clearer sense of how extreme a proposal it was) 1.34; Val. Max. 9.5.1. The citizenship was eventually granted when Rome faced the very real prospect of defeat in a war against her own allies.

<sup>71</sup> Cic. *Leg.* 3.22–26, with “Marcus” arguing that the tribunate is a necessary part of Roman tradition.

barbus' it was surely extraordinary.<sup>72</sup> These examples, which could be multiplied, strike against an assumption of cozy consensus. Still, they do not necessarily rise above the level of differences in policy. We could still argue for a deeper consensus about how decisions should be made, about the purpose of politics and the legitimacy of the basic republican institutions.

Our one-sided (and primarily Ciceronian) evidence is likely to provide a tendentious view of what the broadly understood norms of politics might be – or, in Moatti's terms, whether there even was a clear set of broadly understood norms. Cicero's version was designed to preserve a certain distribution of power, one we know did not meet with universal consensus (even among the elite; presumably much less among the poor, enslaved, or otherwise disenfranchised).<sup>73</sup> My provocation in this chapter is to ask whether, given what we know of the prevalence of "anti-system" views in the modern era, we should consider the possibility that even some of the structural features of Cicero's account of how politics is done represent only one side of the debate. His favourite rhetorical move is to slide in his conclusion as a premise.<sup>74</sup> What if the greatest trick he ever pulled was his insistence on the level of consensus in Roman political practice and culture?<sup>75</sup> When we read Cicero, the power of appeals to precedent, to the will of the *maiores*, as a way to legitimize one's position, emerges as a foundational theme. We might assume that this was a value widely shared among his readers and listeners. But it is not necessarily the case that all his contemporaries agreed on what constituted the *mos maiorum*, or even that tradition was the best guide for the present and future.

Cicero's argument in the *Pro Flacco* passage takes as its premise the fact that the sovereign will of the Roman people can only be expressed through certain legal institutions. The fact that he has to make an argument on behalf of his favoured interpretations of those institutions strongly implies that others had different perspectives.<sup>76</sup>

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<sup>72</sup> Suet. *Nero* 5.1; Dio 37.37.

<sup>73</sup> Morstein-Marx (2022) 404 puts it well: "It is probably a misrepresentation to normalise the dominance of the Senate, as if the Republic can only be regarded as functioning properly when Cicero, the younger Cato, or other self-styled optimates would have been satisfied."

<sup>74</sup> Konstan (1993) sees this as the cornerstone of not just Ciceronian rhetoric, but of all rhetoric. The First Catilinarian, for example, begins with the premise that Catiline is universally reviled; the discourse on *optimates* and *populares* at *pro Sestio* 96–98 with the premise that all good men are *optimates*.

<sup>75</sup> I do not mean here *consensus* in the technical Latin sense, or Cicero's own slogan of *concordia ordinum*, but the consensus Hölkeskamp and others see as breaking down: a sense of general agreement about the limits of appropriate political behaviour.

<sup>76</sup> Discussed in detail in Russell (forthcoming). Cicero goes on to say that this admirable procedure *de minibus elabitur* – "is slipping through our fingers". For Clodius' legislative activity that was, in Cicero's view, in contravention of the procedural *lex Caecilia Didia*, see *Cic. Dom.* 63; *Sest.* 135. Clodius would not have accepted that he was acting illegally; his interpretation of the law, and the legitimate ways to circumvent it, differed from Cicero's.

But, just as in the case of recent US elections, the truly radical claims would be those that avoid, evade, and delegitimize the institutions of decision-making altogether. I do not mean arguments that the rules for convening an assembly should be different, say, but that the will of the people has legitimating force even when not expressed in a legally convened assembly – perhaps when it is divined by a single populist leader.<sup>77</sup> From a Ciceronian perspective, such a claim could well be characterized as “anti-system”, akin to the dangerously authoritarian populist approaches Levitsky and Ziblatt want to exclude from contemporary politics. From that of the open democrats, the right to make a claim that challenges how the system works is an expected part of the broader enterprise.

The few traces we might find of Roman politicians appealing to (what Cicero would define as) extra-legal, anti-system modes of accessing political power are all preserved in the negative, reported by hostile sources. In just one case we have what purport to be words directly from such a perspective. The 4<sup>th</sup>-century CE anonymous text *de Viris Illustribus* reports a phrase of Saturninus, a tribune of the *plebs* whom Cicero paints as a rabble-rousing fanatic: *Huic legi multi nobiles obrogantes, cum tonuisset, clamarunt: 'Iam, inquit, nisi quiescetis, grandinabit.'* (73) – “Many *nobiles* raised religious objections to this law, and when they heard thunder they shouted out. He said, ‘If you are not quiet, it will soon start to hail.’” The context is a proposal for redistribution of land Saturninus put forward in 100 BCE; the *nobiles* – men from politically prominent families – are attempting to block it on the grounds that they have heard thunder, an adverse omen that should mean proceedings stop for the day. Saturninus’ reply is a dark joke: the implication is that if they do not stop trying to object, the crowd will start throwing stones. The text presents Saturninus as a caricature populist, a perfect evil villain willing to ignore the norms of politics and stir up mob violence for his own benefit. From a Ciceronian understanding of Rome’s unwritten constitution, a bill passed by violence had no validity. So why is Saturninus so brazen in his threat, thereby apparently giving his opponents all the ammunition they would need to strike his law from the books? Could it be that Cicero’s protestations that violence vitiated legislation was not in fact as widely-held a consensus as he would like to believe?<sup>78</sup> We could choose to read Saturninus’ joke not as the words of a madman who has left the norms of politics behind but as a claim, contrary to the consensus Cicero tries to sell us, that the popular will outranks religious and procedural objections. And their will, in this case, is not discerned or expressed via a legally valid voting procedure, but in their readiness to use violence.

<sup>77</sup> See further Elliott’s chapter on populism in this volume.

<sup>78</sup> For Cicero’s view, see Morrell (2018), who is well aware that it is not necessarily shared by all. There is significant scholarly debate about whether any specific statute held that laws passed by violence were invalid, for which see Straumann (2016) 31–33; Heikkilä (1993). As often, the modern debate may reflect the fact that there was no firm consensus on the point in Cicero’s time.

Other episodes might contain traces of similar ideas, ranged against what Cicero implies are consensus norms or even rules of Roman politics. Consider a trial of 95 BCE, in which the orator Antonius did not argue that his client had not committed illegal sedition, but that sedition can be morally justified in defence of the *res publica*;<sup>79</sup> or the other side of the coin, the claim that Scipio Nasica, arch-aristocrat and chief priest, was right to take private, violent action when he led a mob to assassinate the popular champion Tiberius Gracchus in 133 BCE.<sup>80</sup> Both arguments defend extra-legal violence as sometimes acceptable, because the public good outranks legalistic objections; indeed, those who would appeal to tradition could say that violence had always been part of Roman political culture.<sup>81</sup> What is more, so had change and institutional flexibility.<sup>82</sup> Romans believed that their Republic had changed dramatically during its early years. Its magistracies were originally confined to members of hereditary patrician houses, but were eventually opened up to all male freeborn citizens. Meanwhile an entirely new assembly and extra magistracies were created to supplement the preexisting ones. The exact historicity of the period, which is known as the ‘Struggle of the Orders’ and traditionally dated to 500–287 BCE, is murky; but by the Late Republic these latecomer institutions functioned smoothly at the core of how Romans understood their own political system. The massive developments attributed to the period of the Struggle, as the name betrays, were not believed to have been brought about by consensus or legally-valid referenda, but by wrenching, violent, unprecedented change.

By reading between the lines it is also possible to find Roman Republican hints of the equivalent of the individual in our own time posting on social media that we need a strong leader to take control. Roman tribunes, and indeed populists of all kinds, were consistently accused of aiming at *regnum*, one-man rule, a charge that goes back as far as our sources do and that would eventually even be levelled at Cicero himself.<sup>83</sup> In his own writing it is usually introduced as a secret, underlying motivation, a charge intended to discredit a politician who claims to be working on the people’s behalf, but who (Cicero claims) is really out for his own power.<sup>84</sup> The fact that a charge

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<sup>79</sup> Cic. *De Orat.* 2.124.

<sup>80</sup> Cic. *Dom.* 91.

<sup>81</sup> On violence and self-help, see Lintott (1968) esp. 52–66 on the rhetorical tradition defending political violence as a legitimate part of tradition and *mos*.

<sup>82</sup> Amply demonstrated by other chapters of this volume, including Vervaeke, Dart and Rafferty; Morrell.

<sup>83</sup> The earliest traces of accusations of *regnum* relating to the historical period concern Tiberius Gracchus: e.g. Cic. *De Am.* 41; Sall. *BJ* 31.7; Plut. *Ti. Gracch.* 14, 17. Against Cicero: Cic. *Sull.* 21. The traditional *exempla* of men who attempted to seize *regnum* are Spurius Cassius and Spurius Maelius in the fifth century BCE and M. Manlius Capitolinus in the fourth; Smith (2006) discusses these and other examples and their place in the literary tradition. In this volume, Tatum analyses the lure of the Strong Man in the 70s.

<sup>84</sup> In this volume, de Dijn traces the intellectual history of this claim.

of seeking *regnum* seems to have been a serious and politically damaging insult might suggest a consensus that *regnum* is bad.<sup>85</sup> But can we completely rule out the idea that some Romans, at some point, openly found it attractive?<sup>86</sup> The fact that accusations of seeking *regnum* are used as an insult shows that *regnum* exists in the realm of the thinkable. As an alternative, a thinkable yet completely different way of doing politics, it cannot be placed in the same category as ideas totally outside the realm of possibility (communism, say, or giving women the vote). The antidemocratic accrual of power by one individual, as a potential political strategy, is part of the discourse.<sup>87</sup> People were actively demanding it by the 20s BCE, and maybe even in the 50s, culminating in an extraordinary constitutional breach in 52 BCE: when no two suitable candidates could be found for the consulship, Pompey the Great was permitted to hold it alone.<sup>88</sup> *Regnum* was not an idea that was foreign to Julius Caesar, who declared himself dictator for life in 44 BCE; or to Catiline before him, who attempted a military coup in 63 BCE; or to Sulla before him, who in 82 BCE was the first to rework the ancient role of dictator, traditionally a sole leader for temporary emergencies, and take it on for an extended period as a way to force through his own autocratic political program – or even apparently to Livius Drusus, a tribune of the *plebs* agitating for Italian citizenship who in 91 BCE was accused of binding potential new Italian citizens to him personally by an oath, prefiguring the appeals to alternative forms of legitimacy, notably a personal oath sworn by all citizens, that the future Augustus would

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85 Belonik (2023) 1 opens his discussion on the disintegration of restraint norms with Cicero's *cri de cour* to Brutus in 43 that nothing now prevents individuals from seizing power by force: *non ratio, non modus, non lex, non mos, non officium valet, non iudicium non existimatio civium, non posteritatis verecundia* – “not reason, not moderation, not law, not custom, not duty has that power, nor judgement nor the esteem of the citizens, nor shame before posterity” (Cic. *Brut.* 1.10.3). But just a few sentences earlier Cicero has complained that Romans had never been slow to support attempts at sole power: *numquam enim in honore extraordinario potentis hominis vel potentissimi potius (quando quidem potentia iam in vi posita est et armis) accidit ut nemo tribunus plebis, nemo alio magistratu, nemo privatus auctor exsisteret* – “for never before has it happened that any man seeking an extraordinary power, or rather a supreme one (since power now is located in force and arms) could not find a tribune, or someone holding another office, or even a private citizen to propose it” (Cic. *Brut.* 1.10.3). In this volume, Morrell chronicles many of those who did propose it.

86 Compare the chapter by Hillard and Beness in this volume, arguing that Romans were not as attached to the ideal of a ‘republic’ as we would like to think.

87 Hammer (2023) 200 cites Cicero's unprecedented embrace of quasi-monarchical power for Pompey in his speech *de imperio Pompei* as an example of norm violation and consensus breakdown. But in that very speech Cicero cites (*de imp.* 60) the traditional flexibility of republican institutions as one reason that the proposal should be accepted. More fundamentally, this is the earliest full speech from a political debate that survives to us. How sure can we be that it is truly unprecedented?

88 Demands that Pompey be made dictator in 52: e.g. Asc. 36; Plut. *Pomp.* 54; Dio 40.50, discussed in detail in this volume in the chapter by Rafferty, Vervaeke and Dart. Agitation for sole power for Pompey even before 52: Cic. *Q.Fr.* 3.8.4. Popular demands that Augustus should take more power: e.g. in 22, Dio 54.1.

eventually use to propel himself to power.<sup>89</sup> These individuals did not declare that they felt unbound by law or custom: rather, they presented their actions as legitimate tools in the existing system, broadly construed.

What of the argument that the apparent flexibility and capaciousness I see in the Republic is in fact a symptom of its decline? The case that the Republic fell because of a breakdown of consensus about the norms governing political behaviour does not dismiss these incidents; instead, it claims that they are new phenomena, signs of that very breakdown.<sup>90</sup> It is true that the vast majority of examples I can cite fall in or after 133 BCE, the year often treated as a turning-point. Unfortunately, the texture of our source material for earlier periods is completely different, and much less comprehensive. What is more, our Late Republican and early imperial sources are highly motivated to imagine a period of stability in contrast with later decline.<sup>91</sup> I do not mean to diminish the upheavals and violence of the Late Republic, but I do wish to continue my thought experiment: what if there had been similar challenges to the smooth operation of the system in earlier years? Cicero found precedent for the assassination of Tiberius Gracchus in the extrajudicial killing of Spurius Maelius, a quasi-legendary leader who apparently aspired to *regnum*, in 439 BCE.<sup>92</sup> At least in his understanding of history, the later author Appian's influential claim that political violence in Rome began in 133 BCE was false.<sup>93</sup> The prototype for tribunician sedition was Gaius Flaminius in 232 BCE, who proposed an agrarian bill against the wishes of the Senate;<sup>94</sup> in one version, they threatened to use a militia against him.<sup>95</sup> In 212 BCE a trial was disrupted by a riot, and in 151 BCE violence broke out during an electoral campaign.<sup>96</sup> Was it merely rhetorical violence, or should we assume that Romans of the second century were no slower to push and shove in the Forum at election time than their descendants of a hundred years later?

Because of the source problems, other tangible examples of earlier acts which strike us as outside the norms of republican politics (as Cicero presents them) must be sought on a broader scale. On a practical level, it was the private armies of men like Pompey and Caesar, emerging warlords of the civil war period, that destroyed the Republic; although they were technically legitimized in various ways, their willingness

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<sup>89</sup> For Sulla's radical transformation of the dictatorship, see Vervaeke (2004); Cornell (2015). Drusus: Diod. 37.11; although the oath is inauthentic, for which see Vervaeke (2023) 83, with scholarship in n. 61, the accusation is not. The young Caesar in 32 BCE: *RGDA* 25.

<sup>90</sup> Most cogently argued by Flower (2010) 80–96; in this volume, Vervaeke, Dart and Rafferty.

<sup>91</sup> Russell (2015) 134–138.

<sup>92</sup> Livy 4.13–14; used as a precedent for justified political assassination: e.g. Cic. *Cat.* 1.3, *Mil.* 8, 72. Neel (2015) places him in context not just among the three well-known *affectatores regni* but a number of other early figures who (often violently) transgressed the boundaries of their political role.

<sup>93</sup> App. *BC* 1.1.

<sup>94</sup> Pol. 2.21; Cic. *Brut.* 57, *Acad.* 2.13, *Sen.* 11. Called *sedition* by Cicero: *de Inv.* 2.52.

<sup>95</sup> Val. Max. 5.4.5.

<sup>96</sup> Livy 25.3–4; 39.32.

to fight for their commanders against other Romans represented a fundamental breakdown of political rules and norms about the relationship between military power and the state. But armies loyal to their generals, funded privately, or granted by the kind of direct popular vote that gets cited as a symptom of consensus breakdown were not a new phenomenon. Livy believed that the Fabii, a notable family, took a private army to attack Rome's enemy Veii in the fifth century BCE; Jeremy Armstrong and Nicola Terrenato have recently claimed that, in a premodern context in which the state had far less reach, it was this kind of private army led by warlords rather one than levied by depersonalized state institutions that conquered much of Italy for Rome.<sup>97</sup> Moving into the second century BCE, in 134 the famous commander Scipio Aemilianus obtained a special command by popular vote and took an army of his own dependents to further Rome's conquests in Spain.<sup>98</sup> Any period of consensus comes under attack from both sides: the apparent chaos, or perhaps flexibility, of the late Republic goes back earlier than some would like to admit, while the stable early and middle Republic built on consensus proves to be a fiction, a later retrojection of an imagined golden age.<sup>99</sup>

Appeals to violence, attempts at sole power, and private armies, to name just three potential examples, do not often find a place in accounts of what the republican political system should have been. They are seen as exceptions or breaches, harbingers of the breakdown of consensus that would eventually cause the fall of the Republic. I propose, at least as a thought experiment, that we should instead see them as part of business as usual in the markedly flexible set of institutions and ideas that was the *res publica*. Our sources from the imperial period are unlikely to agree with us; they have a vested interest in locating the collapse of the Republic in a given period, to contrast both with the glorious stability of the early empire and the praiseworthy earlier Republic that the emperors might claim to be emulating.<sup>100</sup> Cicero and elite politicians like him, for their part, would have found it in their interests to represent a vast swathe of potential political opinions or actions as unusual, out of the ordinary, and ranged against the consensus of all good men. They wanted their fellow-citizens to believe that there was no alternative to the paternalistic rule of the current elite. To help them in that goal it made perfect sense to de-

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<sup>97</sup> Livy 2.48; Armstrong (2016); Terrenato (2019).

<sup>98</sup> App. *Hisp.* 84.

<sup>99</sup> There is much more to say about the reforms of Appius Claudius, the tribunate of Flaminius, the struggles during the Second Punic War, the trials of the Scipios, and any number of other mid-republican political events. Our later sources generally present them as part of the *mos maiorum*, but at the time they were surely radical; and as involving significant contention but not the same level of physical violence that we see later – a difference that is at least plausibly a function of the differing levels of knowledge and interests of our sources.

<sup>100</sup> See further Russell (2015) 134–135.

fine some actions as unpolitical, some issues as unpoliticizable, and vast swathes of the population as sub-political.<sup>101</sup>

Consensus about republican norms and values does not help us make sense of violent clashes during the Struggle, experiments with the number and status of the chief magistrates as early as the fifth century and as late as 52 BCE, vastly controversial land redistributions that do not start with the Late Republic but can be traced back centuries earlier, monarchic pretensions of individual politicians of all periods, or private armies. Cicero's own sense of the rules is a creation of the late second and early first century, a time when we do see a clear trend towards the regularization of politics, including ballot laws, laws setting minimum ages for holding office, and laws proposing new checks and balances on the assemblies, from waiting periods to prohibitions on bringing two issues to the vote at once.<sup>102</sup> The level of wishful thinking inherent in Cicero's picture becomes clear when we look at his treatise *de Legibus*, in which he lays out a hypothetical proposal to systematize Roman politics with a proper law-code.<sup>103</sup> No such code had ever existed. The *res publica's* strength did not come from such systematization; it came from radical flexibility, allowing power to move through society in multiple different ways.

Many before me have seen flexibility as one of the Republic's strengths.<sup>104</sup> My intervention is to argue that we should push our understanding both of republican flexibility and of republican politics even further, encompassing not just the stated rules or norms we derive from Cicero, but values that Cicero would argue were so fundamental that they often remained unspoken. It is these values that are often in play when we compare the Roman Republic to modern democratic ideals. But the Roman Republic, unlike Levitsky and Ziblatt's democracy but like that of the open democrats, did see, and for centuries did survive despite, the existence of intolerant or "anti-system" opinion. Some "anti-system" politicians met their death; others survived to see their radical proposals enshrined in the *mos maiorum*. The consequence for the fall of the Republic – for fall it did, and even my radical flexibility cannot stretch so far as to understand the empire as just more Republic – is that if we have to point the finger of blame at anyone it must be at the Ciceros: those who created an artificial structure that denied the existence of an alternative and sapped the Republic of its flexibility.<sup>105</sup> Once it could not bend, it broke.

<sup>101</sup> Cf. O'Neill (2003) 136: "the representation of the *plebs* as sub-political served as a powerful strategy in the maintenance of the political hegemony of the Roman upper classes."

<sup>102</sup> On this regularization trend, see Flower (2010) 61–79; Hölkeskamp (2010) 21–22; Lundgreen (2011) 286–301.

<sup>103</sup> On systematization and the *de Legibus*, see esp. Arena (2016); on discourses of constitutionalism in Rome, Straumann (2016).

<sup>104</sup> Most cogently, Hölkeskamp (2010) 12–22.

<sup>105</sup> Compare Badian (1972): Nasica's reaction was more fatal than Tiberius' overreach. In this volume, Vervaet, Dart and Rafferty label it *Reformunwilligkeit*.

More important than any interpretation of the Roman Republic, however, is how we should trace all this back onto the fate of democracy today. The fall of the Republic does not necessarily offer us a single lesson, and in particular it cannot be taken as an unproblematic demonstration of how important it is to insist on maintaining a strong consensus about the norms of political life. That consensus, on my reading, never existed in Rome. Its analogue can only be upheld today if we allow for a set of gatekeeping institutions that Levitsky and Ziblatt see as sensible measures to root out anti-democratic extremism but the proponents of open democracy see as themselves fundamentally un-democratic. For the latter group, militant insistence on an arbitrary suite of democratic values dilutes the ability of members of a community to engage in democratic debate, in which they must be allowed to advocate for changes to the system and its values just as they can advocate for any other change in policy or practice. If extremists misuse these freedoms of thought and action, open democrats' answer is not to curtail or narrow the scope of political discourse, but to broaden it still further, trusting that new and better alternatives will emerge. Modern democracies have a choice to make about how open they are to "anti-system" opinions, and the answer is not an obvious one; the open democrats, too, are open to a range of critiques that the current moment makes ever more pressing. I am not qualified to pronounce on the course of events today, but I have tried to show that it is at least possible to understand the end of the Roman Republic in terms drawn more from the language of open democracy and its suspicion of elite gatekeeping, rather than consensus breakdown. As a result, the place we accord it in our histories of democratic decline and death must remain flexible too.

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## Part 2: **The Death of the Roman Republic – Causation**



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# Reform Unwillingness and the Death of the Roman Republic

**Abstract:** Particularly since the seminal work of Christian Meier, there has been an influential line of thought that the Roman sociopolitical elite simply lacked the imagination to engage in forward-looking reforms, the sort that might have resolved or mitigated the tensions that eventually caused the violent implosion of the Roman Republic. On the basis of a close analysis of key episodes in the Republic's history, this study instead posits that it was rather a matter of conscious reform unwillingness (sections 1–3). It subsequently seeks to break new ground by explaining the Roman aristocracy's reform unwillingness and the ensuing tremendous political costs by drawing on the recent empiricist political science frameworks developed by Barbara Walter and Steven Levitsky and Daniel Ziblatt (sections 4 and 5). It argues that the Roman senatorial aristocracy went down a destructive political path because it deeply feared the loss of status and elite agency that might flow from certain reforms, compounded by the fear of a better resourced and more powerful state apparatus falling into the hands of aspiring tyrants. Next, the steep political costs of this fear-driven reform unwillingness are appraised: conservative and more progressive aristocratic factions alike descending into increasingly violent and deadly tit-for-tat games of 'constitutional hardball', sacrificing the guardrails of the Roman political system (mutual toleration and forbearance), resulting in the rise of factionalism and the loss of hope/faith in the traditional political process. The senatorial aristocracy's scorched-earth fight against undesirable reforms arguably put the Republic on the road to autocracy as its tactics – quickly adopted by their political opponents – demonstrably displayed all four key indicators of authoritarian behaviour. The epilogue, then, offers some possible lessons for the 21<sup>st</sup> century.

## Introduction

In his seminal 1966 study of the sociopolitical history of the Late Roman Republic, focusing on the period between the Social War (91 to 87 BCE) and the late 50s, Christian Meier famously defined the political situation of the Republic in the age of Caesar as a “Krise ohne Alternative”, a ‘crisis without alternative’. In keeping with a fatalistic tradition that can be traced back all the way to the Graeco-Roman historians of the late Republic and the early Empire, Meier posited that the customs and institutions that

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had served Rome well as a city state were no longer fit for purpose for a large empire,<sup>1</sup> and that the overwhelmingly conservative Roman elite lacked both the imagination and the intellectual framework to mentally and institutionally adjust the Roman body politic to the changed socioeconomic and geopolitical circumstances. Resultantly, so argues Meier, the Romans explained the seemingly inexorable crisis that engulfed their Republic in terms of moral decay and the betrayal of the ancestral legacy. Therefore, they doggedly held onto obsolete forms and methods, to their own detriment and that of their beloved Republic.<sup>2</sup> In other words, Meier posited that it was a

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1 For a sample of late republican and early imperial expressions of this line of thought (all primarily centred on unbridled imperialistic expansion and the ensuing loss of discipline, restraint, and ancestral frugality/morality rather than on institutional failures or inadequacies), see, e.g., Polyb. 31.25 (comp. 6.57); Sall. *Cat.* 3.3–4 and esp. 6–13 (where Sallust singles out greed and lust for power as decisive moral corruptors); *Iug.* 3–4, 8.1, 16.1–2, 20.1 (*omnia Romae venalia esse* – “everything at Rome was for sale”) 31 and 85; Livy 1.4–9; Tac. *Ann.* 1.2; Plut. *Brut.* 47.7; App. *B Civ.* 1.6; and Cass. Dio 44.2.4; 47.39.3–5; and 52.16 – ancient claims now forcefully revaluated by Belonick (2023) (cf. also *infra* n. 102); comp. already De Sanctis [1920]), most recently Edelstein (2024) 404–408, and, centuries earlier, Machiavelli (Newell [2013] ch. 7) and Montesquieu (1748) 103: “la grandeur de l’Empire perdit la République”. Early imperial assertions that the Roman People were by and large too stupid, corrupt, or quarrelsome for democracy represent a convenient and exculpatory argument for both monarchs and the (now subservient) senatorial aristocracy, the latter being arguably principally responsible for the demise of the Republic they had dominated in relative consensus until the advent of the Gracchi. Such arguments, which can be traced back to Polybius (6.57, paraphrased in n. 70 *infra*) can be found in, for example, Cass. Dio 47.39.3–5 as well as in his representation of Maecenas’ advice to Octavian in 29 BCE in 52.20.3: “make all the appointments yourself and do not any longer commit the filling of one or another of these offices either to the *Plebs* or to the People, for they will quarrel over them.” Plut. *Prae. ger. reip.* 32 argued that the people had no need for political activity in exchange for peace: “Of liberty the people enjoy as much as our rulers allot them, and perhaps more would not be better”. Similarly, Tac. *Hist.* 2.38 indicts ordinary Roman legionaries as having been complicit in a wide sweep of calamities. For recent work on the ancient historiography and the fall of the Roman Republic, see Brill’s *Historiography of Rome and Its Empire* series. For timeless reflections on the practical constraints to writing truthful history under the imperial autocracy, see Cass. Dio 53.19.1–3. For a thoughtful recent discussion of the (conceptualization/perception of) the so-called ‘crisis’/‘crises’/‘criseology’ of the Late Republic, see the articles of Augier, Deniaux, Angius and Hurlet and Montlahuc in Augier, Baudry and Rohr Vio (2020) on pp. 135–352. For recent discussion of the modern historiography on the fall of the Roman Republic, see Walter (2009) (cf. Walter (2017) 112–114); Morstein-Marx and Rosenstein (2007); Rafferty (2015); Santangelo (2020); and Tan in the present volume.

2 Meier (1966); cf. Hölkeskamp (2004); Golden (2013) 211 (“although it did not have to be this way, sadly, the Romans of the ruling class may have been culturally constrained and shaped by their mentality to the point where no other solution than violence orchestrated by the executive was possible”) and Newell (2019) 71–72 (cf. n. 75 *infra*). Santangelo (2020) 179 summarizes Meier’s political analysis as follows: “In Meier’s view, the history of the late Republic is that of a context in which at least two conflicting forces face each other: an intense competition within the nobility, and an increasingly assertive and intrusive role of some great individuals. The simultaneous pressure of these two factors was bound to bring the Republic to a traumatic demise. Both factors were too deeply rooted to leave room for an alternative, or even for serious reform attempts. The scope for the political agency of the people was altogether minimal; at the same time, even the monarchic model was never properly

matter of *Reformunfähigkeit*, reform inability, not *Reformunwilligkeit*, reform unwillingness. This line of thought also found acceptance in, for example, the authoritative Second Edition of the *Cambridge Ancient History*, where Crook, Lintott, and Rawson argue that Cornelius Sulla's treatment of the tribunate of the *Plebs*:

highlights a yet more general weakness: the inability of the Romans (as, indeed, of the people of antiquity in general) to conceive political improvement as anything but putting the clock back – reverting to some better state supposed to have existed in the past. Change was occurring rapidly in every branch of Roman life; it needed to be lived with and not wished away, to be adapted to and not just proscribed. Whether the Republic could have modified its political institutions and remained the Republic we can never really say; but it did not try radically enough.<sup>3</sup>

Meier in a later paper also characterised Augustus's autocratic New Order as being *the Alternative*: “through direct political action and political discussions or confrontations with the senate [Augustus] succeeded in realizing a profound alteration of the Roman constitution (in the broadest sense of the word), by which the crisis of Rome was resolved”.<sup>4</sup>

It is the intention of this chapter to attempt to offer a novel explanation of the staggered and violent implosion of the most powerful and enduring electoral republic of the pre-industrial era. As it seeks to present an intelligible and useful argument to the broadest possible readership, it provides some key historical details and background information pertaining to Roman attitudes and actions to do with attempted or frustrated reform proposals and their sociopolitical ramifications, even if many of the historical facts will be familiar to historians of the Roman Republic. The adoption

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theorised, and the transition towards the rule of one man was not the outcome of a mature reflection on a new political order.” On the destructive dynamics of spiralling elite competition for honours (*philotimia*), see Edelstein (2024), who seems to conceive of Roman socioeconomic issues as remaining much the same across the centuries (see, e.g., p. 410 and 414) and suggests that the initially dormant class differences became problematic and ‘factionalized’ only because of escalating intra-elite competition after the destruction of Carthage, as aristocrats covetous of ever greater honours and powers started to fan the flames of popular discontent to their own advantage. For excellent recent surveys/critiques of the German historiographical tradition (with special attention to the political culture of the Roman Republic), see Barber (2022) and Machado (2024).

<sup>3</sup> Crook, Lintott and Rawson (1994) 773. Cf. Brunt (1988) 68: the collapse of the solidarity between Senate and People was rooted in problems that the Senate had long failed to face and resolve. The image of an entitled and incompetent ruling elite failing to conduct reforms can be traced back all the way to Th. Mommsen: Rebenich (2022) 89; cf. De Martino (1960) 382–401: the late republican Roman governing elite had failed to grasp the significance and seriousness of the socioeconomic changes and challenges of their age; De Martino (1989) 450: the senatorial elite of the Late Republic showed itself incapable of “dare un'espressione concreta alle aspirazioni popolari”. For the idea that the Roman elites could only ever conceive of reform as the restoration of the (real or imagined) past, see also Meißner (2009). For some more nuanced interpretations and critiques of Meier, see, e.g., Badian (1990); Walter (2011); Jehne (2022). Conversely, for recent scholarship unreservedly suggesting the Romans were capable of future-oriented reform, see Morrell (2017) and forthcoming.

<sup>4</sup> Meier (1991) 56.

of an approach that is both thematic and diachronic signifies that the sequential sections of the analysis at times discuss different aspects of the same critical episodes and developments and the protagonists involved as pertinent to the question at stake in that particular section, genuine repetition being avoided altogether or reduced to the bare minimum where necessary.

## The Million-Dollar Question: *Reformunfähigkeit* or *Reformunwilligkeit*?

A few examples should suffice to bust the myth that elite Romans were incapable of proposing forward-looking, structural, and encompassing reform.

Between c. 367 and 287 BCE, following the sometimes violent turmoil that marked the early Republic, Senate and People carried a wide range of important socioeconomical and political reforms. These concerned debt relief, limiting the amount of land – private (!) as well as public – that could be owned or leased by individual citizens (including their emancipated sons) to 500 *iugera* (c. 125 ha. or c. 310 acres)<sup>5</sup> and guaranteeing plebeians access to high office (ranking magistracies as well as powerful priesthoods). This process culminated in the passage of the *Lex Hortensia* of c. 287 which rendered plebiscites binding on the entire Roman People, plebeians and elite patricians alike. The result was the creation of a more level socioeconomic and political playing field and an end to the so-called ‘Struggle of the (social) Orders’ that had recurrently plagued the Republic since its creation around 500 BCE.<sup>6</sup> As Lutz and Lutz observe, these political settlements “were reached usually at the expense of the ruling groups”, who upheld these arrangements, attesting to “the presence of a political system where conflict and disagreement could be managed.” Even if “there were some instances where political violence was involved in the actions and manoeuvrings of the two sides”, this violence was “sporadic”, and with the peaceful resolution of the

5 As described in Plin. *HN* 18.3, one *iugerum* was a rectangle 120 Roman feet by 240 feet. At 1 Roman foot = 296 mm, one *iugerum* = 35.52 x 71.04 m or 0.62 acres. Therefore, 500 *iugera* comprised approximately 310 acres of land – comp. Scheidel (2018) 354: 300 acres.

6 The proposals of the tribunes C. Licinius Stolo and L. Sextius Sextinus Lateranus (c. 376–367 BCE) are set out in Livy 6.35.4–5 and *Vir. Ill.* 20.3; see also Livy 6.42.9–10 – Licinius Stolo notably was the first to be convicted (by popular trial) under his own law: Dion. Hal. *AR* 14.22; Val. Max. 8.6.3; *Vir. Ill.* 20.3–4. See Ridley (2000), Rich (2008) and (2020), and esp. Balbo (2010) on the *lex Licinia*, which introduced restrictions on all land held by Roman citizens, public as well as private. The *lex Hortensia*, passed in the *comitia centuriata* by the plebeian *dictator* Q. Hortensius in 287, made plebiscites binding upon all citizens, patricians and plebeians alike: *MRR* 1, 185.

Struggle of the Orders, “the Republic settled into a more peaceful pattern until the last half of the second century BCE.”<sup>7</sup>

The ramifications of these and other contemporary reforms can hardly be overstated as the ensuing relative stability put the Republic on a solid footing to withstand the challenges of the Samnite Wars (343–290 BCE), the Pyrrhic War (280–275 BCE), the First and Second Punic Wars (264–241 BCE and 218–201 BCE), and subsequently acquire a hegemonic position across the entire Mediterranean between 201 and 168.<sup>8</sup> This move toward what can reasonably be viewed as greater socioeconomic and political ‘equity’ for the plebeians – in some respects even ‘equality’ – within the Roman system was effected through largely peaceful plebeian secessions and timely leadership on the part of moderate patrician and plebeian leaders, often in the capacity of dictator. Consequently, the plebeians achieved greater equality and participation in the Roman state without recourse to mass violence.<sup>9</sup> Significantly, Polybius (c. 200 – c. 118 BCE), astute observer and theorist of Roman sociopolitical institutions, believed that the emergence of Rome’s highly successful and balanced mixed constitution flowed from the Romans’ very willingness to adapt and reform in the face of necessity, rather than from the visionary work of a single lawgiver. Importantly, Polybius also believed that the ‘younger’ Roman Republic prevailed over the ‘older’ Carthagi-

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7 Lutz and Lutz (2006) 493–496. See also Lintott (1970) and (1999)<sup>2</sup> for the longevity of violence in the Roman Republic. Much in the vein of Sallust, Lintott (1999)<sup>2</sup>, XVII–XIX, ascribes the marked aggravation of violence in the Late Republic to the spiralling socioeconomic inequalities flowing from the great conquests and rightly sees this escalation as a symptom, rather than a cause, of the emerging systemic crisis. For the notable – if altogether moderate – measures of the American and French revolutionaries to reduce economic inequality as a prerequisite for the establishment and preservation of liberty (in the classical, premodern sense of the word, viz. popular self-government), see de Dijn (2020) 192–197 cf. 203–216 and 227.

8 Tan (2022) argues that “the period of *tributum* [essentially a war levy on citizen property to provide soldiers’ pay] was largely one of political calm because the tax systems effectively reinforced social and political hierarchies. Within three to four decades of *tributum*’s invention [in 406 BCE: Livy 5.12.7–13], intra-elite politics began to stabilize”. The notorious actions of C. Popilius Laenas (*cos.* 172, *II* 158) in Egypt in 168 BCE in the immediate aftermath of Macedonia’s terminal defeat at Pydna (Polyb. 29.27 and Livy 45.12) speak volumes as to 168 being the moment *par excellence* Rome became the unrivalled hegemon in the Mediterranean.

9 See, e.g., (Ps.-?) Sall. *Ad. Caes. sen.* 2.5.2–3: “Therefore secessions occurred within the community rather frequently, and the power of the nobles was constantly diminished, and the right of the People was increased.” Scheidel (2018) entirely omits this notable exception to the rule in the relevant sections of Chapter 12 (“Reform, Recession and Representation”), where he addresses land reform, debt relief, and emancipation as instruments of peaceful inequality leveling (p. 346–362; on p. 354, however, Scheidel briefly touches on the attempted land reforms of Tiberius Gracchus, termed “a populist reformer from within the oligarchic ruling class”). The three clearly attested plebeian secessions occurred in 494, 449, and 287 BCE. For a general account see: Forsythe (2006) 157–158. In reference to 445 BCE, Flor. 1.25 suggests there may have been other, lesser instances of similar civil disobedience. Several dictators were actively involved in the relative democratization of Roman society between 434 and 287 BCE, see: Vervaet (2022) and n. 53 *infra*.

nian Republic (likewise an example of a mixed constitution to his mind) because, at the time of the Punic Wars, the Roman Senate was the most influential political body in the state, as opposed to the polity of Carthage, where the ‘fickle’ popular assemblies had become the dominant factor.<sup>10</sup>

In 133, at the height of the devastating First Sicilian Slave War (135–132), the gifted tribune of the *Plebs* Ti. Gracchus, son of the pre-eminent Ti. Sempronius Gracchus (*cos.* 177, *II* 163 and censor in 169/68), famously embarked on a major land reform program. Regardless of the actual realities on the ground, Tiberius was adamant that Roman, as well as Italian manpower, faced the dual threat of landlessness owing to concentration of land ownership and demographic imbalance caused by imported mass agricultural slave labor, invoking his own personal experiences and perhaps also stagnant *census* enrolment numbers.<sup>11</sup> To tackle this perceived crisis, he carried agrarian legislation reviving the fourth-century cap on public land (*ager publicus*) held in possession by individual citizens (at 500 *iugera* per *suo iure* possessor) and providing for the redistribution of excess land to eligible citizens in much smaller virgane assignments of variable size.<sup>12</sup> Significantly, Tiberius thus left the – by this time undoubtedly likewise extensive and profitable – private holdings undisturbed, in sharp contradistinction to his 4<sup>th</sup> century tribunician counterparts. Furthermore, at least initially he enjoyed the support of several prominent nobles: Ap. Claudius Pulcher (*cos.* 143), *princeps Senatus* and Tiberius’ father-in-law; the consul of 133 and

<sup>10</sup> Polyb. 6.10.13–14 (also discussed in the introductory chapter); 6.16.5–17.1; 6.51. Hoyos (2023) suggests that in the era before the Punic Wars, the Carthaginian citizenry was “more ruled than ruling” and a “growing and versatile population” which benefitted from its association with the state and its oligarchic regime (p. 515). Polybius’ cyclical theory of political history predicted the Roman aristocracy’s descent into oligarchy, the stage often followed by mob- and next strongman rule: Polyb. 6.3–10.11.

<sup>11</sup> Personal experience: Plut. *Ti. Gracch.* 8.7. After peaking in 164/163 at 337,452 *capita civium*, *census* figures declined to 317,933 in 136/135: Sisani (2019) 131. Rosenstein (2004) esp. 153–155 (comp. 17–20), suggests Rome and Italy experienced a period of “strong to very rapid population growth” (quoted from Rosenstein [2006] 240; comp. de Ligt [2004] and [2012]; Hin [2013]) during the second century, owing to reproductive patterns facilitated by continuously high military mortality rates. Since Italian land by contrast was finite, this inevitably caused tension and may well explain why tens of thousands of Romans (and, for that matter, Italians: comp. the concerns about dwindling numbers of Italians – *Ἰταλιώτας* – recorded in App. *B. Civ.* 1.7) decided to emigrate (esp. after the *census* of 164/163: cf. Sisani [2019] 110–117) and why Ti. Gracchus (and others in the senatorial aristocracy: see the next note) worried about Roman and allied manpower in Italy.

<sup>12</sup> From Livy 42.4.4; Val. Max. 4.3.5b and Plin. *HN* 18.18–19 it can be inferred that between seven and ten *iugera* of good land would have put a citizen at least into the fifth *census* class. Sisani (2015) 67–70 cogently argues that the *capite censi* were excluded from Tiberius’ assignments and that they likely favoured rural citizens from the 5th census class with children, consistent with demographic concerns that were shared by members of the nobility unfavourable to Tiberius’ land reform. One such example is Q. Caecilius Metellus Macedonicus (*cos.* 143), who while censor in 131 delivered a famous speech urging marriage and childbirth: Livy, *Per.* 59; Suet. *Aug.* 89; cf. also *MRR* 1, 500; Sisani (2019) 116. On the sources, including translation, commentary, and further scholarship, on Gracchan era (133–121) laws and bills, see Elster (2020) 3–146.

preeminent jurist P. Mucius Scaevola; and Scaevola's equally learned and influential natural brother, P. Licinius Crassus Mucianus (*cos.* 131 and Gaius Gracchus' father-in-law).<sup>13</sup>

Similarly, the vastly more ambitious reforms championed by Tiberius' younger brother C. Sempronius Gracchus and M. Fulvius Flaccus (*cos.* 125) in 123/122 likewise originated from within the core of the senatorial nobility. In addition to reviving Tiberius' agrarian legislation, Gaius Gracchus, Fulvius Flaccus and their allies within the tribunate of the *Plebs* either passed or proposed legislation on a suite of paramount matters targeting different parts of the populace. This included legislation concerning the welfare of the vastly increased urban *plebs*, fixing the cost of a *modius* of grain at six and one-third bronze *asses*, laws that stipulated the public treasury should pay for clothing for Roman soldiers and prohibiting the recruitment of Romans under seventeen years of age.<sup>14</sup> Another bold law, opening the wealthy province of Asia to tax farming through contracts leased in Rome by the censors, sought to secure the goodwill of influential equestrian *publicani* (public contractors) and help fund his social measures.<sup>15</sup> Another measure aimed at opening up places in the six ranking equestrian centuries by mandating that senators return their public horses, and a subsequent law *de pecuniis repetundis* in 122 of M'. Acilius Glabrio, provided for an exclusively equestrian jury of 450 men in this powerful standing court (which dealt with extortion and embezzlement of public moneys in the provinces) to be recruited from this pool of elite equestrians (i.e., replacing the formerly exclusively senatorial jury). As observed by Pliny the Elder, these elite equestrians resultantly became a sort of powerful third estate, alongside Senate and People.<sup>16</sup> Also in 122, in conjunction with his fellow tribunes, C. Rubrius and M. Fulvius Flaccus, Gracchus proposed a series of colonial and citizenship laws. These envisaged the foundation of multiple colonies of Roman citizens in Italy and Africa, the granting of full Roman citizenship with equal suffrage rights to the Latin allies, and equal suffrage rights with Roman citizens to the remaining Italian allies.<sup>17</sup> The sum of these proposals would

13 Plut. *Ti. Gracch.* 9.1; Cic. *Acad. Pr.* 2.13. Mucius Scaevola as preeminent expert in statute and customary law: Cic. *De or.* 1.12. These men were "scarcely revolutionaries", to quote Stockton (1979) 39. For lists of further supporters, see Brunt (1988) 463–468 and Märtin (2012) 298–300.

14 Measures which further widened the gap between the conditions enjoyed by Roman soldiers and their Italian allied counterparts.

15 On the significance of C. Gracchus' fiscal reforms, see Tan (2017) esp. 61–63 and 156–170.

16 Cic. *Rep.* 4.2; *RS* 1, *lex repet.* Ll. 15–18; Plin. *HN* 33.34. For further sources, see *MRR* 1, 517–518. Even though Davenport (2019) 60–64 believes it concerns a Sempronian Law of 123, he plausibly suggests that those eligible for jury service should possess the *census equester*.

17 Livy, *Per.* 60.7–8; Plut. *C. Gracch.* 8.3 and 9.2 (comp. 6.3); App. *B Civ.* 1.21–23; Eutr. 4.21. For further discussion see: Vervaeke (2023) 52–53.

have been a radical rebalancing of the power and influence of respective social orders.<sup>18</sup>

The Gracchan reforms, however, proved very divisive (cf. also *infra*), pitting the Roman and Italian landowning elites against their poorer compatriots, Roman economic interests against those of the Italian allies, and Roman senators against equestrians. As these cumulative divisions threatened to coalesce into a perfect storm,<sup>19</sup> the uberwealthy tribune of the *Plebs* M. Livius Drusus in 91 boldly proposed a comprehensive (if costly) ‘New Deal’. With the intent of securing durable peace and stability in Rome and Italy through reconciling senatorial, equestrian, popular and allied interests, Drusus proposed to enlarge the Senate by adding 300 ranking equestrians, handing back control of the powerful criminal courts to this enlarged Senate, distributing more public land among needy Roman citizens, reviving the generous provisions of Gaius Gracchus’ subsidized grain law, and fully enfranchising Rome’s restive Latin and Italian allies. Significantly, Drusus belonged to the core of the conservative senatorial aristocracy: as tribune of the *Plebs* in 122, his homonymous father M. Livius Drusus (*cos.* 112) had played a major role in undermining the popularity and ultimately wrecking the agenda of C. Gracchus and Fulvius Flaccus (cf. *infra*). Livius Drusus was widely regarded as attempting to act in the best interest of the Senate, and his legislative program enjoyed the backing of the formidable and equally affluent L. Licinius Crassus (*cos.* 95, censor 92/1), among the most powerful and eloquent senators of the day, as well as of *éminence grise* and *princeps Senatus* M. Aemilius Scaurus (*cos.* 115).<sup>20</sup>

These examples should amply suffice to demonstrate that there most certainly were elite Romans capable of future-oriented, structural, and even ‘progressive’ (in the sense of more inclusive, participatory, redistributive) reforms, passed by the regular organs of republican government (i.e., not by authoritarian means), and aimed at resolving some of the most pressing and fissile problems of their age. *Contra* Meier (and others), we can thus safely rule out ingrained or pathological *Reformunfähigkeit*, reform inability, or indeed a lack of imagination as root causes of the violent implosion of the Roman Republic.

Before moving on to the next task of this chapter, the identification of critical instances of elite reform unwillingness, it is important to clarify that the extensive reform packages carried by the renegade tribune of the *Plebs* P. Sulpicius and next the consul L. Cornelius Sulla (*cos.* 88, 80) in 88, the consuls L. Cornelius Cinna (*cos.* 87–84) and Cn. Papirius Carbo (*cos.* 85, 84, 82) in 86–84, the dictator Sulla in 81, the consuls

<sup>18</sup> Indeed, according to Cass. Dio 25.85.3, Gaius consequently enjoyed “the greatest influence with the populace and the *equites*.”

<sup>19</sup> The most frequently used metaphor in the historiography of the 1<sup>st</sup> century BCE is that of the storm, often associated with the inherently dangerous maritime sphere: Deniaux (2020) 150–152 (with references to earlier work by the same scholar).

<sup>20</sup> Dart (2014) 69–97 and Vervaet (2023) 63–88.

Cn. Pompeius (*cos.* 70, 55, 52) and M. Licinius Crassus (*cos.* 70, 55) in 70, the consul *sine conlega* ('without a colleague') Pompeius in 52, and the dictator Caesar in 49–44, were all passed in circumstances more or less controlled by the sponsors of the legislation.<sup>21</sup> Similarly, most of the reforms of 59–57 BCE were carried in an atmosphere of violence and intimidation. Even if they provide further evidence of future-oriented reforms,<sup>22</sup> all of these 'post-Drusan' episodes can thus safely be distinguished as authoritarian measures, imposed unilaterally by victorious factions or minoritarian interests and therefore mostly beyond the remit of this study.

## Identifying Roman Elite Reform Unwillingness

A few equally compelling examples should suffice to demonstrate that the problem rather was one of *Reformunwilligkeit*,<sup>23</sup> reform unwillingness, namely the conscious refusal on the part of powerful segments within the senatorial and equestrian elites to embrace what they felt was undesirable structural reform, however pressing the need or justified the cause might have been. For the sake of consistency, our focus

<sup>21</sup> Plut. *Pomp.* 47.3 (cf. *Caes.* 13.2–5) records that after the outbreak of civil war between Caesar and Pompeius, M. Porcius Cato 'Uticensis' (*pr.* 54) declared that it was not their ensuing discord but their very alliance in 60 BCE that had marked the beginning of the end of the aristocratic Republic as it gave Caesar and Pompeius a controlling influence over Roman political life.

<sup>22</sup> Cic. *Rosc. Am.* 22 (in 80 BCE) talks of the dictator L. Sulla as "repairing the past and preparing for whatever the future might hold" - *quae praeterita sunt, repareret et ea, quae videntur instare, praepararet*.

<sup>23</sup> To the best of our knowledge, the term *Reformunwilligkeit* has not been used, let alone rigorously applied, to the study of the sociopolitical history of the Late Roman Republic. On p. XV of the introduction to the 1980 edition of his seminal *Res Publica Amissa*, Meier does briefly mention "den Widerstand gegen alle Reformen", "the resistance against all reforms", as one of several factors causing the demise of the Roman Republic. Furthermore, the abstract of a one-off 2016 Seminar on the Gracchans taught by Leonhard Burckhardt at the University of Basel suggests that the encompassing reforms of Gaius Gracchus "wurde Opfer der Reformunwilligkeit der Mehrheit der Elite" ("fell victim to the unwillingness to reform on the part of the majority of the elite"): <https://vorlesungsverzeichnis.unibas.ch/de/recherche?id=212507> (seen 11.01.2025). Similarly, an introductory ancient history course for non-specialists and career starters ("Fachfremde und Berufseinsteiger", authored by Friedrich Stock and published by Auer Verlag in 2020) suggests that the Gracchi failed in the face of "die Reformunwilligkeit des Senats", adding the discerning observation that "Reformfähigkeit ist wichtig für die Entwicklung und Stabilität eines Staates und für gesellschaftlichen Konsens" – "the ability to reform is important for the development and stability of a state and for societal consensus": see [https://www.auer-verlag.de/media/ntx/auer/sample/08256DA5\\_Musterseite.pdf](https://www.auer-verlag.de/media/ntx/auer/sample/08256DA5_Musterseite.pdf) (seen 11.01.2025) and <https://www.auer-verlag.de/pp08256-geschichte-fur-fachfremde-und-berufseinsteiger-5-6.html> (seen 11.01.2025). In line with Meier's influential thesis, however, Stock seems to suggest that the Roman senatorial elite was 'Reformunfähig', incapable/unable of reform, rather than 'Reformunwillig', unwilling/averse to reform.

will be on the Roman elite's consequential resistance to the (attempted) reforms identified in the above.<sup>24</sup>

In 133, the Senate as well as the equestrian order, representing the interests of the long-standing possessors of public land, were fiercely opposed to Ti. Gracchus' public land reform, regardless of its enormous popularity.<sup>25</sup> Even if Tiberius easily succeeded in carrying his agrarian laws, the enmity of the Senate caused him to run for a second, consecutive term as tribune of the *Plebs*. Not only were his wealthy opponents fielding "most inimical" candidates of their own, Tiberius also feared for his personal safety should he no longer enjoy the sacrosanctity (personal and official inviolability) that came with the office. On the day that Tiberius and his supporters gathered in the *area Capitolina* to carry a law that would unequivocally legalize consecutive iteration of the tribunate of the *Plebs*, paving the way for Tiberius' candidature, the Senate held an emergency meeting in the adjacent temple of Fides Populi Romani (Good Faith) on the Capitoline Hill.<sup>26</sup> At this meeting, Tiberius' opponents accused him of seeking kingship, and the Pontifex Maximus P. Cornelius Scipio Nasica 'Serapio' (*cos.* 138) demanded of the consul P. Mucius Scaevola that he rescue the state from an aspiring tyrant. In their determination to crack down on maverick reformists, the senatorial aristocracy went as far as alleging that there was a customary law, instituted by L. Iunius Brutus (one of the first consuls and a founding father of the Roman Republic), that anyone who harboured 'tyrannical' aspirations did not enjoy the protections of the *leges de provocatione* (i.e., the legislation protecting Roman civilians from corporal and capital punishment without appeal to the People) and was as such liable to summary execution.<sup>27</sup> When the consul refused to resort to violence or to put a citizen to death without a trial and instead declared that he would simply consider the vote of anything that was unlawful as not binding, Nasica and his supporters took the

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24 I.e., down to the Senate's consequential cancellation of M. Livius Drusus reform package in 91 BCE. See Tatum in this volume for the Roman elite's continued resorting to a form of 'accountability sabotage' obviating political reforms which might have alleviated social discontent in the city and in the countryside in the decade between Sulla's abdication from the dictatorship (January 79) to the joint consulship of Pompeius and Crassus in 70; comp. Q. Lutatius Catulus' stunning concession of the 'Sullan' senatorial elite's failure in Cic. *Verr.* 1.44 (70 BCE).

25 On senatorial and equestrian opposition to land reform: Cic. *Sest.* 103; App. *B Civ.* 1.10. On the tremendous popularity with the Roman *plebs rustica* in particular: Diod. Sic. 34/35.6.1–2; Plut. *Ti. Gracch.* 8.7; App. *B Civ.* 1.13.

26 Taylor (1963) cogently argues that the assembly convened by Tiberius and his allies in the tribunate of the *Plebs* was legislative rather than electoral. Nonetheless, the consecutive re-election of tribunes of the *Plebs* was not unprecedented, occurring for example in 376/375: *MRR* 1, 108–109.

27 For example, see Livy 2.1.9 and 2.5 (cf. 1.59.1); cf. Plut. *Pub.* 2 and App. *B Civ.* 2.119 (cf. 1.16 and esp. 2.108–122). The Roman (aristocratic) hatred of kingship/tyranny was proverbial: Newell (2019) 67–69. Pina Polo (2006) makes a compelling case for locating discourse on the supposed legitimacy of using lethal extrajudicial violence against Roman citizens to prevent tyranny as a product of late Republic, discourse that emerged from within the senatorial aristocracy after the killings of Tiberius and Gaius Gracchus.

law into their own hands, calling on anyone “who would save the fatherland” to follow – effectively invoking the notorious principle that “necessity knows no law” – and went on to bludgeon or stone Tiberius, a sacrosanct tribune of the *Plebs* no less, and several hundred of his supporters to death in front of the Temple of Jupiter Capitolinus.<sup>28</sup> Unsatiated by his murder, Tiberius’ assailants denied the request of Gaius Gracchus that he bury his brother’s body by night, instead throwing it and the bodies of the other victims into the Tiber.<sup>29</sup> Some of his friends were exiled without trial, others arrested and executed. According to the conservative imperial Graeco-Roman biographer Plutarch, all of these actions arose “from hatred and anger of the rich rather than from the pretexts they alleged.”<sup>30</sup>

Unable to rescind Tiberius’ popular agrarian legislation, revived by his younger brother Gaius in 123, the Senate from 121 to 111 instead supported a series of ‘friendly’ agrarian laws effecting the phased discontinuation of the Gracchan land redistributions and protecting the existing rights of Latin and Italian possessors of Roman public land.<sup>31</sup> The – invariably hotly contested – fielding of further extensive colonial and

28 Val. Max. 3.2.17; Plut. *Ti. Gracch.* 19.6 = more than 300 in all; Oros. 5.9 = 200 of Tiberius’ supporters. On tribunician sacrosanctity granted through the so-called *lex sacrata* (‘sacred law’) in c. 493 BCE, see, e.g., Livy 2.33.1–2. For some scholarship on this thorny issue, see Lanfranchi (2015) 257–281 and Pellam (2015).

29 Plut. *Ti. Gracch.* 20.2. Gaius had possibly served as Tribune of the Soldiers in 134 under Scipio in Spain (*MRR* 1, 491). Along with Tiberius Gracchus and Ap. Claudius Pulcher, Gaius was elected as one of the original *triumviri agris iudicandis assignandis* in 133 BCE. Plut. *C. Gracch.* 3.3 quotes Gaius, implying Tiberius’ body was thrown in the river shortly after he was killed. Comp. also Tiersch (2022) 380.

30 Plut. *Ti. Gracch.* 16.3–19.6; 2.2–3 (supplying the quote); App. *B Civ.* 1.14–17. On accusations that Tiberius Gracchus fomented sedition and was seeking kingship/tyranny: Diod. Sic. 34/35.33.6–7 and Plut. *Ti. Gracch.* 14.2, 15.4 and 19.2; Oros. 5.9.1; 5.12.3.

31 According to Plut. *Ti. Gracch.* 20.1 and 21.1 there were two powerful political considerations that prevented the Senate from seeking the outright abolition of Tiberius’ land reforms and instead allowed his agrarian commission to continue working: “fear of the multitude” and a desire “to conciliate the People now that matters had gone too far”. On post-Gracchan agrarian legislation up to 111, see Sisani (2015) 230–248. For the clauses confirming the land rights of Latin and other Italian allies “according to *lex*, plebiscite or *foedus*” in the *lex agraria* of 111, see *RS* 1, *lex agr.*, ll. 20–23 and 29–31. In Cic. *Rep.* 1.31 (cf. 3.41), C. Laelius (*cos.* 140) accuses the members of Ti. Gracchus’ agrarian commission of having breached the customary and treaty rights of the allies. This was likely due to judgements made by the commissioners that were unfavourable to allies and which those same communities viewed as violating their rights. On the possibility that “some Italian communities had rights to access *ager publicus* enshrined in their treaties”, see Tweedie (2011) 580, with reference to further scholarship on the issue. Tarpin (2014) 161 plausibly suggests that Latin colonies were all linked to Rome “by a *foedus*” and that the legal relationship of these communities and their citizens “to Rome was probably stipulated in the colonial foundation laws”. For the likely long-term effect of the Gracchan land redistributions consequently being modest at best, see Roselaar (2010) 221–289 and (briefly) Scheidel (2018) 352.

agrarian bills in 103, 100, 99 and 91, however, illustrates the failure of senatorial policy to freeze public land reform away.<sup>32</sup>

Unsurprisingly, most of the key reforms passed or proposed by Gaius Gracchus and his allies in the tribunate of the *Plebs* in 123 and 122 proved equally unpopular with the Senate. While Plutarch's assertion that Gaius undertook to "maim the power of the Senate from motives of anger and contentiousness rather than from calculations of justice and the public good" doubtlessly reflects a hostile historiographical tradition, many of the measures passed or proposed in these years nonetheless arguably represent useful and forward-looking reforms.<sup>33</sup> The demonstrable popularity of many of these measures, as well as the fact that Gaius and his associates had cleverly secured critical support among the well-endowed and influential equestrian class, at the expense of the power and authority of the Senate, signified that the Senate had to resort to a combination of political stratagem and deadly repression before it eventually proceeded in early 121 to the annulment of at least some of the measures sponsored by Gaius and his allies.<sup>34</sup> In 122, for example, the Senate decided to support C.(?) Rubrius' popular law to establish a sizable Roman colony in Africa so as to temporarily remove C. Gracchus from Roman politics, as the latter was predictably elected to the triumvirate *coloniis deducendis* charged with the foundation and settlement of Colonia Iunonia on former Carthaginian territory.<sup>35</sup> Next, the Senate moved to defeat Gaius and Fulvius' enfranchisement project, arguably the most consequential component of their reform program. The friendly consul C. Fannius delivered a famous oration before the assembled People 'On the Italian and Latin Allies Against Gracchus', bluntly warning them that:

*Si Latinis civitatem dederitis, credo, existimatis vos ita, ut nunc, constitisse, in contione habituros locum aut ludis et festis diebus interfuturos. Nonne illos omnia occupaturos putatis?*

If you were to give citizen rights to the Latins [i.e., the most proximate allies], I have no doubt you would suppose that you will hold your places in *contiones* or will take part in games and festivals, just as you take your places now. Don't you think that those men will take over all these things?<sup>36</sup>

<sup>32</sup> Sources: *MRR* 1, 563 (103 BCE); *MRR* 1, 575 (100 BCE); *MRR* 2, 2 (99 BCE); *MRR* 2, 21 (91 BCE).

<sup>33</sup> Quote from Plut. *Ti. Gracch.* 16.1–2 (erroneously attributed to Tiberius instead of Gaius Gracchus); comp. 5.1 (Gaius proposed several laws "by way of gratifying the People and overthrowing the Senate"). For a quite positive impression of the Gracchan reforms, "at least from the perspective of the twenty-first century", and esp. Gaius' fiscal measures, see Tan (2017) 145 and 158–159 (where he labels his establishment of a tax farm in the wealthy province of Asia "the most significant fiscal event of his tribunates" and "a strong effort ( . . . ) to maximize the treasury's annual income."

<sup>34</sup> Around the turn of 122/121, the tribune of the *Plebs*, M.(?) Minucius Rufus (*cos.* 110) proposed bills to annul some of the legislation championed by C. Gracchus' legislation, in particular the law establishing the large colonia Iunonia on the site of Carthage: *MRR* 1, 521.

<sup>35</sup> Eutr. 4.21; Plut. *C. Gracch.* 10.3 and App. *B. Civ.* 1.24 ("in order to get them out of the way for a while, so that the Senate might have a respite from demagoguery").

<sup>36</sup> The fragment of Fannius' speech preserved in Cic. *Orat.* 99–100; 109 and Malcovati, *ORF* 32.3 = Iulius Victor 6.4 (my translation). Ironically, Fannius had been elected consul instead of L. Opimius (*cos.* 121) with the support of C. Gracchus: Plut. *C. Gracch.* 8.1–2 and 11.2.

Thereafter, the Senate persuaded the friendly tribune M. Livius Drusus (*cos.* 112) to veto the enfranchisement bills and supported his bid to appease the populace by proposing legislation to establish no less than twelve colonies of 3,000 poor citizens each and forbidding the scourging of Latins with *fasces* (ράβδοις) even when they served in the army: a ‘populist counter-offer’, fielded for the sole purpose of wrecking Gaius’ popularity with the People and the Latin allies.<sup>37</sup>

The final act followed in the wake of Gaius’ failure to win election to what would have been his third consecutive tribunate of the *Plebs*.<sup>38</sup> Shortly after taking up office, one of the new consuls of 121, L. Opimius, convened the People on the Capitol with the intent of rescinding some of the ‘Gracchan’ laws. Described by Plutarch as “a man of oligarchical principles”,<sup>39</sup> Opimius’ election had been supported by opponents of Gracchus. Upon one of his servants being killed in a brawl with supporters of Gaius and Fulvius, Opimius decided not to waste a good crisis, was reportedly quite elated, and urged the people to take revenge.<sup>40</sup> Opimius consequently ordered an armed force to secure the Capitol and at daybreak sent heralds to convoke the Senate to debate the situation. In a piece of carefully orchestrated political theatre the next day, the body was carried into the Forum Romanum with Opimius stationing himself at the Temple of Castor (and Pollux), a highly symbolical posting since this sanctuary was closely associated with the equestrian order and the annual parade of the *turmae equitum* on 15 July.<sup>41</sup> The senators subsequently came out of the Curia (Senate House) and a heated debate erupted over the bier between senators and the *Plebs*.<sup>42</sup> The Senate then returned to the Curia and promptly passed a resolution: *uti L. Opimius consul rem publicam defenderet* – “that the consul L. Opimius should defend the Republic”.<sup>43</sup>

By way of discretionary language, the Senate was giving the consul *carte blanche* to use deadly force within Rome. As is clear from the summary of Livy, the Senate’s decree was in effect authorising the consul to call the people to arms and rout and kill the “seditious tribune” and his followers<sup>44</sup> or as Plutarch saw it “to save the City as

37 App. *B. Civ.* 1.23–24; Plut. *C. Gracch.* 8.3–10.1. As with colonies proposed by Gaius Gracchus, Livius Drusus’ colonial legislation was (at least partially) carried out (Sisani [2015] 82–90), however, his proposal on the Latin right of appeal was never put to a vote (see esp. Sall. *Iug.* 66.2–67.3). For his dubious services, Livius Drusus the Elder was called “patron of the Senate” (Suet. *Tib.* 3.2). On the policies of Livius Drusus the Elder, see also Burckhardt (1988) 54–70.

38 On Gaius’ failure to secure a second consecutive re-election to the tribunate of the *Plebs*, in an allegedly rigged election process in December 122, see: Plut. *C. Gracch.* 12.4.

39 Plut. *C. Gracch.* 11.2.

40 As described in Plut. *C. Gracch.* 13.1–3; App. *B. Civ.* 1.25; Oros. 5.12.5.

41 See: Dion. Hal. 6.13.4; Plin. *HN* 15.19.

42 App. *B. Civ.* 1.26.

43 Cic. *Phil.* 8.14, who appears to have been paraphrasing the wording of the *relatio*. See also: Livy, *Per.* 61.4; Plut. *C. Gracch.* 14.3.

44 Livy, *Per.* 61.4.

best as he could and put down the tyrants.”<sup>45</sup> In response the consul ordered the senators to arm themselves and, importantly, for every member of the equestrian order to bring two fully armed servants the next day. These were to augment a body of heavily armed Roman regulars and a contingent of notorious Cretan archers, who would ultimately inflict much of the carnage.<sup>46</sup> That Opimius positioned himself at the equestrians’ foremost sanctuary and aggressively implicated them in his murderous repression of Gaius Gracchus, Fulvius Flaccus and their supporters should be interpreted as a deliberate strategy to force the equestrians to side against the very men who had sought their alliance through reforms that had significantly empowered this important (non-senatorial) Roman elite.<sup>47</sup>

Armed with what was thus the first state of exception solely decreed by the Senate to confront a domestic crisis in Roman history, Opimius confidently rebuffed two attempts on the part of the opposing faction to come to a peaceful and mutually acceptable resolution, taking the envoy into custody: the Senate would only listen if Gracchus and Fulvius came to the Curia unarmed. As they and their supporters had meanwhile occupied and fortified the temple of Diana on the Aventine Hill in the hope of compelling the Senate to come to terms,<sup>48</sup> Opimius ordered the violent destruction of Gaius Gracchus, Fulvius Flaccus and no less than 3,000 of their supporters through savage street fighting and summary executions.<sup>49</sup> Opimius posted a bounty for Gaius’ head whilst the house of Flaccus was levelled and the site confiscated, according to Cicero the customary treatment of the property of aspiring tyrants.<sup>50</sup> Moreover, the bodies were cast into the Tiber, their property sold at public auction, and their wives forbidden to go into mourning. Foreshadowing what would be done by L. Sulla on a much larger scale before and during his notorious dictatorship ‘to write laws and restore the Republic’ (82–79 BCE), even Fulvius’ innocent son Quintus was summarily executed after the cessation of hostilities, regardless of the fact that he “had neither lifted a hand against the nobles nor been present at the fighting but had come to effect a truce before the battle and had been arrested”.<sup>51</sup>

<sup>45</sup> Plut. *C. Gracch.* 14.3.

<sup>46</sup> See: Oros. 5.12.7.

<sup>47</sup> See: Vervaet (2023) 49–52.

<sup>48</sup> The Temple of Diana was the common sanctuary of Romans and Latins: Var. *LL.* 5.43; Livy 1.45; Dion. Hal. 4.26. This suggests that Gaius Gracchus, Fulvius Flaccus and their supporters were seeking to present themselves as championing the civil and political rights of both Romans and Latins. For reasonable questions concerning the plebeian connotation of the Aventine Hill, see Mignone (2016). Significantly, however, the Gracchans’ forebear Ti. Sempronius Gracchus (*cos.* 238) had built and dedicated a Temple of Jovian Liberty on the Aventine: Livy 24.16.19; comp. Aug. *Res Gestae* 19.

<sup>49</sup> The number is supplied by Oros. 5.12.10.

<sup>50</sup> Cic. *Dom.* 101–102 and Val. Max. 6.3.1 (Fulvius Flaccus); Diod. 34.29 and Plut. *C. Gracch.* 17 (Gaius Gracchus).

<sup>51</sup> Plut. *C. Gracch.* 17.5.

To mark his victory with vulgar symbolism, Opimius restored the Temple of Concord originally built by none other than M. Furius Camillus (*mil. trib. cos. pot.* 401, 398, 394, 386, 384, 381, dictator five times) in the 4<sup>th</sup> century BCE.<sup>52</sup> According to one tradition, the originally staunchly conservative patrician Camillus as an elderly senator in the early 360s BCE had shown moderation and statesmanship in making a most important contribution to the peaceful resolution of the so-called Struggle of the Orders.<sup>53</sup> In another towering irony, Camillus captured the Etruscan city-state of Veii in 396, formidable adversary of Rome, defeated the Gauls, who had occupied Rome for six or seven months and starved the Capitol into surrender in 390, and then presided over the reconstruction of the city, earning him the nickname of the ‘second founder of Rome’ (after king Romulus), whereas Opimius in 125 ruthlessly destroyed the Latin colony of Fregellae, doggedly loyal to Rome during the Second Punic War, as it led a rebellion in its frustrated quest for the Roman franchise.<sup>54</sup> The seemingly boundless cynicism of Opimius as well as the blatant falseness of his divisive pretences were not lost on his contemporaries since someone promptly vandalised the inscription on the restored temple adding that “A work of mad discord produces a temple of Concord”.<sup>55</sup>

At all events, this was the first instance on which the Senate issued what has come to be known as the *senatus consultum ultimum*.<sup>56</sup> Even if technically not a law (i.e., a ‘command of the People’ properly carried in one of the competent popular assemblies and therefore binding upon all Roman citizens), the unprecedented ‘ultimate

52 App *BC* 1.26; Plut. *C. Gracch.* 17.6; *Cam.* 42.4. According to Sallust (*Jug.* 16.2), Opimius “made use of the victory of the nobles against the *plebs* with great severity”. Opimius’ colleague Q. Fabius Maximus Allobrogicus had already left Rome when Opimius orchestrated his ruthless and murderous crackdown. On Camillus’ impressive career which potentially extended into his early eighties see Ridley (2024).

53 M. Furius Camillus in 367 BCE: Livy 6.42.11–12; Plut. *Cam.* 42.4–5 – another tradition, however, suggests the relevant dictator was P. Manlius Capitolinus in 368 BCE: Plut. *Cam.* 39.5. On Camillus’ role in the Struggle of the Orders, see Ridley (2024), esp. Chapter 7, corroborating the tradition of Camillus as a conciliatory elder statesman. Other dictators credited with passing laws that reinforced a parallel legislative effort on the part of a number of tribunes of the *Plebs* to achieve a relative democratization of the Roman polity and tackle important socioeconomic problems, often in the face of stiff patrician resistance, were Mam. Aemilius Mamercinus (in 434 BCE: Livy 4.24), Q. Publilius Philo (in 339 BCE: Livy 8.12.12–17), C. Poetelius Libo Visolus (in 313 BCE: Varro *Ling.* 7.105) and Q. Hortensius (in 287 BCE: *MRR* 1, 185 and Hartfield [1982], Appendix 3).

54 Fregellae (with references to further scholarship): Maschek (2018) 22–23, 64–73, 75–79, 103–106, 137–139 and 148–149; Vervaet (2023) 47–49; and Lange (2024) ch. 6. For the fact that Opimius even had the nerve to petition the Senate for a *curule* (= full) triumph on account of his victory over a long-standing Latin ally, see Dart and Vervaet (2014) 59–62. For a different interpretation of the revolt of Fregellae, see Balbo (2016).

55 Quoted by Plut. *C. Gracch.* 17.6: ἔργον ἀπονοίας ναὸν ὁμονοίας ποιεῖ. Opimius thus arguably was the polar opposite of Camillus, with whom he had sought to associate himself.

56 The description of such a decree of the Senate as being a “*senatus consultum ultimum*” derives from Caes. *BC* 1.5.3, when describing a measure passed against himself. In 121 it was issued in the absence of the established mechanisms for dealing with an emergent ‘crisis’ such as a senatorial declaration of a *tumultus* or a magistrate declaring a *iustitium*; see extensive discussion in Golden (2013).

decree' of January 121 was nonetheless tantamount to a formal invitation on the part of the Republic's foremost political advisory council (comprised of past and current elected office holders) for a sitting consul to ignore existing legislation on Roman civil rights, most critically the so-called *ius provocationis*, the right of appeal, one of the very cornerstones of republican *libertas*.<sup>57</sup> In this context, it is important to call to mind that Livy, a conservative republican at heart, had singled out the emergence of (statute) "laws superior in authority to men" – *imperia legum potentiora quam hominum* – as one of the cornerstones of the newly founded Roman Republic in 509, setting it apart from the preceding period of kingly (and thus arbitrary/despotic) rule.<sup>58</sup>

From Livy, we also know that ninety years prior to Opimius, as Hannibal's army was camped three miles from the city of Rome, the Senate passed a remarkably similar emergency measure, likewise aimed at the violent repression of internal unrest: "it was decreed that all who had been dictators, consuls or praetors should have full military power until the enemy should have retired from the walls".<sup>59</sup> The key distinction, however, was that this temporary suspension of institutional normality and civil rights occurred in the context of a genuine military emergency, in a war of survival against a formidable foreign invader, whereas the decree of 121 merely served the purpose of giving a veneer of legality to a carefully orchestrated massacre of an undesirable domestic reformist political grouping.<sup>60</sup> The measure of 121, therefore, arguably was the

57 The Ovinian Law, passed sometime before 318 BCE, prescribing election in the popular assemblies as condition *sine qua non* for possible ensuing enrolment into the Senate by the censors, was the ultimate source of its unparalleled collective prestige and authority as a political body: Barber (2020). The *ius provocationis* as one of the cornerstones of republican liberty: Arena (2013) ch. 2; Vervaeke (2023) 33–38.

58 Livy 2.1.2. For a similarly strong defence of the (rule of) law as the cornerstone of Roman liberty, see also Cic. *Clu.* 146: *tu mihi concedas necesse est multo esse indignius in ea civitate, quae legibus continetur, discedi ab legibus. Hoc enim vinculum est huius dignitatis, qua fruimur in re publica, hoc fundamentum libertatis, hic fons aequitatis* – "you must concede to me that it is a far greater shame, in a state which rests upon law, to depart from law. For law is the bond which secures these our privileges in the Republic, the foundation of our liberty, the fountain-head of justice." Comp. also Sall. *Hist. fr.* 1.49.4 (Ramsey, *LCL*) for the link between *libertas* and "our privilege of being subject to nothing except the laws", with further discussion in Morrell's contribution to this volume.

59 Livy 26.10.9: *et quia multis locis comprimendi tumultus erant qui temere oriebantur, placuit omnes qui dictatores, consules censoresve fuissent cum imperio esse, donec recessisset a muris hostis. Censoresve* may be a corruption of *praetoresve*, given that all surviving *ensores* of this era had also previously held the consulship. As of the passage of this decree in 211 the most recent censor who had not previously held the consulship was A. Manlius Torquatus Atticus in 247, although he subsequently held the consulship in 244 and 241 and had already died by 216 (*MRR* 1, 216 and Degraffi, *Inscrit. Ital.* 13.1, 42).

60 Comp. Golden (2013) 210: the *s.c.u.* "provided an institutional basis for resorting to violence in order to resolve an internal political dispute", and Tiersch (2022) 380: "it was the first time, maybe since the Conflict of the Orders, that the logic of war was transferred into the domestic sphere." The decree of 211 also differed from that of 121 in that the former measure invested all former holders of magistracies *cum imperio* with (presumably praetorian) *imperium*, i.e. official authority comprising full military powers.

forerunner *par excellence* of the successive enabling laws that would pave the way for statutory autocracy from Sulla Felix to Caesar Augustus, for all the successive emperors, as well as a series of similar measures from the medieval to the modern era.<sup>61</sup> Indeed, in the immediate aftermath of the September 11<sup>th</sup> terrorist attacks in 2001, the U. S. Congress enacted the ‘Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001’, signed into law by President George W. Bush and extended by both his and the ensuing Obama administration. By virtue of this dramatic expansion of the surveillance and counter-terrorism powers of American intelligence services over individuals and groups, the Bush administration, in the midst of what it perceived to be a state of emergency, authorized the indefinite detention of noncitizens suspected of terrorist activities and their subsequent trials by a military commission. In *State of Exception*, the Italian philosopher Giorgio Agamben uses such circumstances to argue that this unusual extension of executive power, essentially a special condition in which the normal juridical order is suspended on account of a real or alleged emergency threatening the state, has historically been an underexamined and powerful strategy that has the potential to transform democracies into totalitarian states.<sup>62</sup> Therefore, one can hardly understate the historic significance of the *s.c.u.* of January 121 as an instrument for creeping authoritarianism.<sup>63</sup>

In 91, the reforms canvassed by Livius Drusus and his backers, too, met with ever-growing elite opposition. First, his proposal to end the spiralling strife between

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61 The best definition of the discretionary emergency powers granted under the so-called ‘ultimate decree of the Senate’ (a non-technical term first attested in Caes. *B Civ.* 1.5.3 to describe the measure as passed against himself in January 49) is in Sall. *Cat.* 29: “Thereupon, as is generally done in a desperate situation, the Senate decreed ‘that the consuls should see to it that the Republic suffer no harm.’ That power is the greatest conferred by the Senate upon a magistrate according to Roman usage, allowing him to raise an army, wage war, exert compulsion of all sorts upon allies and citizens, and exercise unlimited command and jurisdiction at home and in the field; otherwise the consul has no authority over such matters except by the order of the People.” As this sort of decree and especially the ensuing summary killings of Roman citizens rode roughshod over the sovereignty of the People by directly violating the statute laws protecting a citizen’s right of appeal (*ius provocationis*), not in the least C. Gracchus’s own such law of 123 (*de capite civis Romanis*: see *MRR* 1, 513–514. and Elster [2020] 54–58), it should come as no surprise that many ranking Romans rejected its legality altogether: see. e.g. Cic. *De or.* 2.106 and 134; Livy, *Per.* 61.

62 Agamben (2005). On the notorious Valerian Law, perhaps the first genuine enabling law in European history, see Vervaeke (2004); for a more general discussion of Roman enabling laws, see Morrell in this volume. For an insightful discussion of states of exception and emergency powers from the Roman to the modern era, see De Wilde (2015).

63 Between 121 and 43, the so-called *s.c.u.* was passed by the Senate on at least 10 known occasions, see: discussion in Lintott (1999)<sup>2</sup> 149–174; Golden (2013) 104–149. For recent discussions of the *s.c.u.* and the ‘state of exception’, see Buongiorno (2020); comp. Grote (2022). As Levitsky and Ziblatt (2023) 55 observe, “democracy would be seriously imperiled” if “governments routinely declared emergencies, stripping citizens of basic rights”.

Senate and elite equestrians over the control of the juries of the powerful criminal courts by enrolling 300 ranking equestrians into the Senate and – *quid pro quo* – restore these juries to this enlarged Senate met with the strident opposition of both interest groups. Most senators resented the elevation of so many to their lofty station and feared the emergence of a powerful new faction within their ranks, whilst the elite equestrians would not accept the loss of the courts, strenuously opposed the bill's novel anti-corruption provision, and were sharply divided over who would be most worthy for enrolment in the Senate. To secure sufficient senatorial support, Drusus eventually proposed and carried a law providing that the courts should be shared equally between the Senate and the elite equestrians. Given that this measure retained the highly contentious (and probably retroactive) provisions against bribetaking, it irretrievably damaged Drusus' relationship with the powerful equestrians, championed by his personal enemy Q. Servilius Caepio (*pr.* 93?). Nonetheless, with ever-diminishing senatorial majorities,<sup>64</sup> Drusus and his allies subsequently succeeded in carrying the second plank of their reform program, passing generous agrarian and grain legislation. The agrarian laws met with especially fierce opposition from the consuls, L. Marcius Philippus and Sex. Iulius Caesar, as well as from those Italian allies whose lands were impacted. Having so secured the goodwill of the Roman People, Drusus now pushed hard to achieve the final, most consequential and therefore most controversial component of his reforms as he canvassed bills offering equal Roman citizenship to all Latin and Italian allies, perhaps inviting the latter to choose between accepting citizenship or the right of appeal (the *ius provocationis*). In September, however, things came to a head as L. Licinius Crassus, Drusus' foremost senatorial champion, died shortly after a fierce altercation in the Senate with Marcius Philippus. When Drusus himself in good faith advised Philippus of an allied conspiracy to murder the consuls, the consul promptly jumped at the opportunity to accuse Drusus in the Senate of fomenting rebellion among the allies. As he now held the numbers in the Senate, Philippus carried a fateful motion annulling all of Drusus' reforms (as well as those of his allies in the tribunate of the *Plebs*) on various technicalities, a move he hoped would also appease the equestrians as well as the Italian allies impacted by Drusus' land reform. Though insisting on the validity of his laws, Drusus conscientiously refused to veto this decree, faithful to his principled belief in the primacy of the body whose authority he had sought to enhance in the first place. As he made his way back from the Forum through a large throng of people, he was mortally wounded with a shoemaker's knife by an unknown assassin on the grounds before his house on the Palatine. Shortly thereafter, key Italic allies (*socii*) throughout a large part of central and southern Italy rose in rebellion, and even before the official con-

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<sup>64</sup> See Vervaeke (2023) on how, in sharp contradistinction to Tiberius and esp. Gaius Gracchus, Drusus only wanted to implement successive planks of his reform package with official preliminary backing from the Senate, being keenly aware that his reforms could only ever succeed and endure if they had the backing of a majority of senators.

clusion of the Social War in 87, Rome and Italy would suffer further devastation in a succession of gruesome civil wars from which the Roman republican body politic would never fully recover.<sup>65</sup>

## Explaining Roman Elite Reform Unwillingness through the Prism of Modern Political Science

The identification of what perhaps were the most glaring instances of elite reform unwillingness prompts the paramount question of why most of the Roman senatorial aristocracy, and to a lesser extent the equestrian order, time and again rallied around what one could term ‘the conservatives of the status quo’ to defeat often sound and urgent reforms whatever the cost.<sup>66</sup> In order to produce plausible answers to this fundamental question, we will draw extensively on the empiricist conceptual frameworks and paradigms developed by distinguished modern political scientists.<sup>67</sup>

First, as major and long-entrenched holders of Roman public land across Italy, the senatorial and equestrian elites doubtlessly felt very strongly about incurring long-term economic and material loss, regardless of the fact that the Republic’s imperial expansion following the Second Punic War had tremendously boosted their financial fortunes.<sup>68</sup> Despite the unsurprising emergence of a strong anti-Gracchan histo-

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65 For a full discussion of these issues, see: Vervaeke (2023). Comp. also Tiersch (2022) 383: “The fatal mistake was the blocking of the complex law project of Liv. Drusus, the conservative tribune, by the *optimates* in 91, although some of them had supported Liv. Drusus initially. Drusus intended to interconnect the interests of several groups: the *equites*, the Italians, the Senate, and the *plebs urbana*. The failure of his plan and his sudden death led to an enormous outburst of rage among the disappointed Italians and to the well-known events of a bloody war in which formerly allied troops fought against each other.” For recent further reading on (the genesis of) Roman civil wars, see Westall and Cornwell (2024); Lange (2024); Westall (2014); and Breed, Damon and Rossi (2010). On the Graeco-Roman historiography of the late republican civil wars, see Lange and Vervaeke (2019).

66 For a discerning analysis of the *optimas* attitude that any wealthy noble defending the status quo was to be ranked among the ‘*boni*’, the good citizens: Sall. *Hist.* 1 fr. 12R: *uti quisque locupletissimus et iniuria validior, quia praesentia defendebat, pro bono ducebatur* – “each person in proportion to his enormous wealth and superior strength resulting from injustice, was regarded as ‘good’ because he was maintaining the status quo.” For excellent overviews of the wide range of legal, political, and religious instruments available to those within the senatorial aristocracy hell-bent on preventing undesirable legislative reforms, see Burckhardt (1988) and de Libero (1992).

67 Here our approach fundamentally differs from Strunk (2022), who offers an insightful, compelling, and carefully substantiated (if purely historical) comparative analysis of a wide range of determinants of sociopolitical instability and political collapse in the late Roman Republic, how these can be matched against parallel developments in the contemporary United States, and what lessons the Roman example may consequently hold for the American people.

68 On the “exponential” growth of senatorial private fortunes in the second century BCE and evidence of increased Roman wealth outside the senatorial aristocracy, see Tan (2017) 6–14 (with further

riographical tradition reflective of conservative elite sentiments,<sup>69</sup> many Graeco-Roman sources are replete with allusions to the insatiable greed of the Roman elite, from Varro and Sallust to Plutarch and Appian.<sup>70</sup> In *Rust.* 1.13.6–7, for example, Varro pulls no punches in his appraisal of the deleterious effects of the staggering explosion of Roman elite private wealth he witnessed in the span of his long life (116–27 BCE) as he decries the fact that the opulent ‘urban villas’ of the elite were “built to the greatest public detriment”: *pessimo publico aedificatis erant*.<sup>71</sup> As early as 214 BCE, “when Rome was at the verge of insolvency and perhaps even collapse during Hannibal’s invasion of Italy” and the Roman state demanded additional resources from its citizens, the scheme eventually decreed by the Senate “placed the heaviest burden on the upper reaches of the commoner population instead of on the wealthy elite. Even in an acute emergency, Rome’s oligarchic ruling class made as few concessions as it could get away with, in marked contrast to a democratic political system such as that of classical Athens, which (. . .) heavily taxed the rich to cover war expenditures.”<sup>72</sup>

Arguably far more potent as a driver of Roman elite aversion of especially redistributive and more participatory reforms, however, would have been a deep-seated fear of losing status. In her discerning monograph on *How Civil Wars Start and How to Stop Them*, Barbara Walter identifies what she terms “The Dark Consequences of Losing Status” as one of the four principal catalysts of civil war. According to Walter,

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useful references) and Scheidel (2018) (see also n. 132 *infra*). The ‘counter-Gracchan’ agrarian laws passed between 121 and 111 (see Sisani [2015] 230–248), however, qualify Tan’s suggestion ([2017] 149 and 156) that the continuation of the land redistributions after Tiberius Gracchus’ death suggest that the opponents of the reforms were not as concerned with the loss of land as with “the vision of a strong, robust *res publica* with first claim to the riches on offer”.

69 This hostile literary tradition even cast the younger Livius Drusus as a latter-day Gracchan: e.g. *Rhet. Her.* 4.46; *Sen. Oct.* 882–889; *Cons. ad. Marc.* 16.4 (*vadentem per Gracchana vestigia*); also echoed in *Livy Per.* 70–71; *Flor.* 2.6; 2.9; and esp. *Vir. Ill.* 66.

70 Perhaps inspired by the Spartan example, Polybius (6.57) prophesied that the vast wealth flowing into Rome due to her supremacy over the Mediterranean would trigger an escalation of elite rivalry for office and other material gains that would lead the Republic from “freedom and democracy” to “mob rule” as the populace would develop grievances against those “who have shown themselves grasping” and be emboldened “by the flattery of others who aspire to office”. Speaking like a true aristocrat but contrary to his own analysis of the deleterious role of spiralling elite competition, Polybius thus considers the populace as ultimately responsible for this momentous change.

71 Comp. Varro’s barb at the opulence of *equites* of his age *ap. Non. Marc.* p. 69 ed. Lindsay: “nowadays the cavaliers gleam with cosmetics, and normally buy their horse for an Attic talent” (trans. Wiseman [2010] 32), and Varro’s view of rich landowners of the Late Republic in *Res Rusticae* 2 pref. 4: “And so, in the land where the shepherds who founded the city taught their descendants agriculture, their descendants have made pasture out of cornfields, from avarice and in defiance of the laws.” For greed (*avaritia*) considered to be one of the root causes of civil strife by the ancients, see also Sall. *Hist.* 1 fr. 13R; *Cat.* 10; Lucret. 2.7–13; 3.59–64; Plut. *Ti. Gracch.* 9.3.

72 Scheidel (2018) 187, citing *Livy* 24.11.7–8. Comp. the compelling analysis in Tan (2017) ch. 4 (“The Power of Taxpayers in the First Punic War”) and 5 (“the Plight of Taxpayers in the Second Punic War”).

cohesive social peer groups are especially likely to resort to violence when facing the prospect of losing status and power “in a place they believe is theirs”. Political Science refers to this phenomenon as ‘downgrading’ and considers it to be “a psychological reality as much as it is a political or demographic fact.”<sup>73</sup> Even if Walter has not read James Tan’s monograph on power and public finance in the Roman Republic, her argument seamlessly aligns with some of Tan’s foremost conclusions as to the “rabid hostility” of the Roman senatorial aristocracy to the Gracchan reforms. Indeed, in his chapter on “The Death and Taxes of the Gracchi”, Tan cogently argues that especially Gaius Gracchus’s repositioning of the state and treasury was tantamount to (a perceived) curtailing of the aristocracy’s deeply ingrained sense of liberty, since his measures:

threatened much of what it was that distinguished the Roman aristocrat from the rest of society: first, the [Gracchan] use of the state to raise and redistribute resources made it a competitor in the race to seize part of the slender surplus of the ancient economy; second, it turned the state into a powerful rival in the game of patronage and material support of the population; finally, the raising and spending of resources required standardized procedures that limited the autonomy and initiatives of aristocrats in office.<sup>74</sup>

Indeed, as Tan argues elsewhere:

This determinedly oligarchic aristocracy is central to the story. Devoted to a diffuse system of patron–client relationships, the aristocrats saw nothing but danger in the rise of a centralized,

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<sup>73</sup> Walter (2022) ch. 3 (with quotes from p. 65–66). Cf. Ehrenreich (1989) and most recently Levitsky and Ziblatt (2023) 23–33 and 165–168, where they invoke the political history of Imperial Germany (1871–1918) and contemporary Thailand as powerful examples of entrenched socioeconomic elites proactively sabotaging political democratization “for fear of losing one’s dominant status in society.” On the inflammatory contemporary American and European far-right ‘Great Replacement’ narrative, which imagines that historic white majorities are being intentionally replaced through immigration policies crafted by global elites, see now Feola (2024).

<sup>74</sup> Tan (2017) ch. 6 (with the quote from p. 145). Comp. Lutz and Lutz (2006) 500: Tiberius’ factional opponents “feared that his activities would transform the system and leave him so powerful that his personal political position would be unassailable.” Whereas Tan plausibly suggests that the discontinuation of direct taxation of Roman citizens (the so-called *tributum*, cf. *supra* n. 8) in 167 and the ensuing shift of the tax burden to the provincial communities – compare also Tan (2015) 213–217 and Maschek (2024) 30–34 – freed the senatorial aristocracy from fiscal reliance on the Roman People and so strengthened their hand in reacting violently to protect their interests, the intense political struggles surrounding the legislative programs of 133, 123/122 and 91 as well as the cancellation of unwelcome legislation in 121 and especially 91, triggering successive waves of mass violence, discredit the assertion (2017, 146) that “popular agitation and legislation meant little” and that the aristocracy’s brazen acts of murderous violence “eloquently demonstrate the impotence of the citizenry”.

powerful state; they would, likewise, *run any risk* [our italics] to prevent an individual or faction from gaining control of the treasury and its resources.<sup>75</sup>

Thus, boiled down to its very essence, the conflict between, on the one hand, the so-called '*populares*' ('the people's men'), or a visionary like Livius Drusus, and, on the other, the so-called '*optimates*' ('the best men'), their aristocratic opponents in the Senate,<sup>76</sup> could be construed as a conflict between a more democratic ideology, asserting the sovereign right of the Roman People to legislate redistributive and other equalizing reforms necessitating a stronger and better-resourced state, and those conceiving of liberty as primordially entailing the protection of private property and individual elite agency.<sup>77</sup> Significantly, this formidable ideological struggle would play out again

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75 Tan (2015) 209. Comp. de Dijn (2020) 310, who at the end of an analysis of modern liberty (as opposed to liberty in the classical sense of the word) in the United States in the period 1848–1914 observes that “doubts about the political abilities of black and new migrants led Gilded Age liberals to claim that liberty needed protection from democracy. That protection was secured by limiting state power, instituting counter-majoritarian institutions, and restricting the suffrage.” Comp. also de Dijn (2020) 310–311 on how social reformers in Europe between 1880 and 1945 were “focused on extending democracy to the economic sphere” since “liberty required more than giving all the people the vote. It also required changes in the economic system to make workers less dependent on factory owners and financial elites.” *Mutatis mutandis*, much of this resonates with what transpired in the age of the Gracchi and beyond, attesting to the timeless and exemplary relevance of this critical episode in the history of the most powerful and enduring Republic of the preindustrial era. The assertion of Newell (2019) 72 that “because of the republic’s ingrained fear of tyrants, it refused to modify or change its basic structure – a town council dominated by local notables who had the final say about everything” is overly simplistic (as is much of his analysis in his factually error-riddled and overly colloquial discussion of “The Greatest Republic” [67–83]).

76 Originally comprising all the men enrolled in the eighteen equestrian centuries, after the Gracchi the term *optimates* (literally: the best men) typically came to denote the conservative noble families that dominated the Senate – comp. Stone (2005). For Cicero’s own (partisan) definition of *populares* and *optimates*, see *Sest.* 96.

77 Comp. Cic. *Att.* 1.19.4 (60 BCE): *ego autem magna cum agrariorum gratia confirmabam omnium privatorum possessiones; is enim est noster exercitus, hominum, ut tute scis, locupletium* – “I, with the cordial gratitude of the prospective grantees, am standing for the confirmation of all private persons in their holdings; for this, as you know, is my army – the well-to-do.” In *Off.* 2.78–79 (comp. 2.73, 85), Cicero emphatically posits that “it is the peculiar function of the State and the City [of Rome] to guarantee to every man the free and undisturbed control of his own particular property”, railing against the injustice of agrarian laws driving possessors [of public land!] from their homes, and in 2.74 he likewise emphasizes that “the administration should also put forth every effort to prevent the levying of a property tax, and to this end precautions should be taken long in advance.” It seems there is *nil nove sub sole* when it comes to contemporary ‘conservative’ ideology in the Anglosphere in particular. Moatti (2018) 53–68 cogently argues – *contra* e.g. Morstein-Marx (2004) – that the political dissensions between *populares* and *optimates* cannot be reduced to mere political strategy but rather reflected different conceptions of the *Res Publica*. Comp. also Tiersch (2022) 374, who discerningly observes that “The events surrounding the failed Gracchan reforms made it clear that the conservative majority in the Senate (. . .) deeply rejected the redistribution of resources and the extension of rights and privileges to further population groups”, that “the *optimates* were manifested to a larger audience as a

in a rapidly globalizing context during the Atlantic Revolutions and the ensuing rise of counter-revolutionary modern Liberalism and has lost absolutely nothing in relevance in the present time.<sup>78</sup>

Inextricably intertwined with the senatorial aristocracy's fear of losing status and operational freedom was their fear that a better-resourced and more centralized state would greatly increase the risk of a *coup d'état*, creating a tempting prize for those harbouring tyrannical ambitions.<sup>79</sup> Not coincidentally, both the Gracchi brothers and Fulvius Flaccus were accused of seeking tyrannical or even kingly power through their reforms.<sup>80</sup> Given the reciprocal nature of Roman social relations and the paramount importance of patronage, the Gracchan land reforms were bound to create a large political clientele in both the tribal (= geographically organized) and centuriate (= organized on the basis of property and seniority) popular assemblies (in the latter since they probably facilitated the elevation of large numbers of fifth property class citizens into the fourth property class, resulting in significant and durable electoral advantage to the sponsors of these measures).<sup>81</sup> Therefore, senatorial concerns about serious power imbalances and political competitiveness were not altogether baseless.<sup>82</sup> At all events, that the Gracchi resorted to continuous iteration of the tribunate of the *Plebs*, however understandable from their point of view, would have been

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primarily self-centered group using the *res publica* as an instrument for the enhancement of their own power", and that "the Senate became a victim of the militarization of domestic political conflicts that it had initiated itself in the course of the Gracchan reforms." In a similar vein also Walter (2014) 110: the republican order disintegrated because the Senate insisted almost exclusively on the defense of its own positions of power whilst completely losing sight of the interests of other population groups.

<sup>78</sup> On which see de Dijn (2020), Part 3: "Rethinking Freedom".

<sup>79</sup> Tan (2017) 160–165. On p. 160, Tan duly cites a fragment from a speech delivered by the consul C. Fannius in 122 (*ORF* Fannius 7): "If for Phalaris, Peisistratus and all others, it was largesse alone which more than anything else established tyranny, why is it that you do not believe Gracchus to be aiming at the same thing, when you see him doing what they did?"

<sup>80</sup> See, e.g., Vell. 2.6.2 and 4–5; Plut. *Ti. Gracch.* 9.3, 14.1–3, 19.3; *C. Gracch.* 14.3. Even a stalwart of senatorial supremacy like Livius Drusus had been accused of aspiring to *dominatio* (tyranny) through his reform program: Flor. 2.6.4. Not too long before the age of the Gracchi, Polybius 6.9.8–9 already singled out redistributive measures as a hallmark of mob-rule and a pathway to tyranny. Comp. de Dijn (2020) 4: "often the fight against democracy in the name of freedom was provoked by fears that the newly enfranchised masses would use state power for economic redistribution."

<sup>81</sup> In reference to Italian motivations for both lobbying for, and expressing support of, enfranchisement proposals in 91 BCE see: Dart (2010) and (2014); comp. n. 12 *supra* and n. 82.

<sup>82</sup> Cf. Earl (1963) 8; on Roman social relations and the reciprocal nature of patron-client dynamics, Saller (1982) remains the seminal study. For the fact that voting in the *comitia centuriata*, responsible for the annual election of the consuls, regularly went down to the third and fourth *census* class, see Rafferty (2021), cautiously endorsed by Morstein-Marx (2024). For Caesar's notable attempts to mitigate senatorial fears concerning unfair electoral advantage for sponsors of agrarian laws see n. 86 *infra*.

*gefundeness Fressen* for their senatorial opponents.<sup>83</sup> Furthermore, these fears were doubtlessly compounded by the fact that the Gracchi and Fulvius Flaccus combined their tribunates of the *Plebs* with agrarian and colonial magistracies.<sup>84</sup> Even if such cumulation of office was not illegal, the fact that these special magistracies came with triennial tenure and certain local legislative powers, as opposed to the annual ‘urban’ magistracies of the People and the *Plebs*, as well as the unprecedented scale of their commissions, rendered the reformers of 133–121 and 91 politically all the more formidable, if not *incontournable*.<sup>85</sup> Last but not least, many within the senatorial aristocracy feared that the proposals to enfranchise the Latin and Italian allies presented a further grave threat to the competitive senatorial oligarchy in that they would potentially endow the sponsors of these laws with yet another loyal and enormous political clientele in the popular assemblies.<sup>86</sup>

<sup>83</sup> In *Ti. Gracch.* 17.4 and 19.2–3, Tiberius’ alleged kingly ambitions are unequivocally associated with his bill to legalize continuous iteration of the tribunate of the *Plebs*.

<sup>84</sup> See *MRR* 1, 493–495 (133 BCE) and 513–515 and 517–518 (123 and 122 BCE).

<sup>85</sup> Combination of annual and non-annual magistracies permissible, triennial tenure, and locally applicable legislative powers: Vervae (2020a) 24–32; the Gracchan land reform and road building program spanning all of Italy: Vell. 2.3.2; Plut. *Ti. Gracch.* 9.4–5 and *C. Gracch.* 6.3, 7 and 12.1; App. *B Civ.* 1.11–13, 23, 35; Maschek (2018) 146–147; the unusual size of the Roman *colonia Iunonia* in Africa, furthermore the first overseas Roman colony: App. *B Civ.* 1.24 and Vell. 2.7.7–8. Much later, in 55 BCE, Cn. Pompeius would in the same vein combine all three of a quinquennial and universal *cura annonae*, the consulship, and two heavily militarized provinces (the Hispaniae): Vervae (2020b). For multi-year agrarian and colonial magistracies providing some of the blueprint for the extraordinary magistracies ‘for the reconstitution of the Republic’ of 82–79 and 43–27 BCE, see Vervae (2020a).

<sup>86</sup> In 122, the Senate was especially alarmed at the radical enfranchisement bills fielded by Fulvius Flaccus (offering to the Latin allies full Roman citizenship with equal suffrage rights and to the remaining Italian allies equal suffrage rights with Roman citizens: see Vervae [2023] ch. 2): App. *B Civ.* 1.23; Plut. *C. Gracch.* 8.3 (we are told that the Senate feared that these enfranchisement bills would make the legislator “altogether invincible”) and 9.3. For sources attesting to the fear that Drusus’ enfranchisement bills would instantly make him a domineering force in the popular assemblies and consequently Roman politics: Diod. Sic. 37.11; *Vir. Ill.* 66.12; (Ps.?) Sall. *Ad Caes. sen.* 2.6.1–2 and 3–6; Flor. 2.6.4 (suggesting Drusus was accused of seeking *dominatio* through his enfranchisement bills). In the run-up to the elections for 122, the Roman people, for its part, believed Gaius would run for the consulship as well as a second tribunate of the *Plebs* and were ready to oblige: Plut. *C. Gracch.* 8. Since the agrarian laws of Drusus and Saufeius, an allied tribune of the *Plebs* who carried a supplementary agrarian law (probably concerning Roman public land in Sicily: Sisani [2015] 89 n. 319), created special commissions *agris dandis adsignandis* (“to give and assign lands”) of respectively ten and five magistrates each, as opposed to the Gracchan boards of three, Drusus and his allies clearly aimed to spread the credit for the implementation of these measures as a further means of securing senatorial support, even if both Drusus and his chief backer L. Licinius Crassus served on Drusus’ land commission and Drusus also served on that created by the Saufeian Law: *CIL* 12, 1, p. 199 = Degraffi, *Inscrit. Ital.* 13.3, nr. 74 = *ILS* 49; *CIL* 10, 44). In 59, the consul C. Iulius Caesar, too, faced strong opposition from both the Senate and his colleague, M. Calpurnius Bibulus, and only succeeded in carrying his agrarian legislation concerning the *ager Campanus* after resorting to ‘hard-ball’ tactics despite his bill providing for the creation of a board of twenty land commissioners plus another board of five with judicial powers:

Significantly, Walter's framework can also be applied to the uprising of Italic allies in 91–87, a conflict almost tantamount to a civil war given the longevity of their alliance with Rome and their mutual socioeconomic bonds. As native 'sons of the soil', the largely rural Italian allied communities would have experienced the ongoing Roman encroachment on, and immigration into, their ancestral lands – long annexed as Roman public land but held in lease by the allies – as a form of 'downgrading', a resentment fuelled by the Senate's dogged refusal to extend the franchise.<sup>87</sup> Conversely, as indicated above, the consul Fannius in 122 went to great lengths to impress upon the Roman People that the enfranchisement of the proximate and numerous Latin allies would adversely impact their own civil rights and perks. In other words, granting the franchise to the Latin and other Italian allies would – or so Fannius alleged – entail a collective downgrading of the existing Roman citizenry, a fearmongering tactic that doubtlessly fell on fertile ground in a society marked by stark socioeconomic divides.<sup>88</sup>

## The Political Cost of Reform Unwillingness: Paving the Way to Tyranny

There now remains the task of appraising the political consequences and societal cost of the demonstrable reform unwillingness on the part of many within the senatorial aristocracy and how all of this put the Roman Republic on the road to authoritarianism.

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see *MRR* 2, 187 and 191–192 and Rafferty (2022). In striking contrast to the Gracchans and Livius Drusus, however, Caesar notably desisted from serving on any of the agrarian commissions constituted through his legislation, as opposed to his foremost political allies of the moment, Cn. Pompeius (*cos.* 70, 55, 52) and M. Licinius Crassus (*cos.* 70, 55).

<sup>87</sup> On 'downgrading' of native and typically rural 'sons of the soil' communities as a key flashpoint for conflict, see Walter (2022) 66–77. Cf. Scheidel (2018) 202–203: "Overall (or 'vertical') income inequality – between people or households within a given country – is not positively correlated with the likelihood of civil war ( . . . ) Intergroup inequality, on the other hand, can be shown to promote internal conflict." Notable instances of maltreatment of Italian dignitaries by imperious Roman officials (see: Dart [2014] 56–59 and Vervaeke [2023] 41–43) would have added insult to injury, viscerally underscoring the subordinate status of the Italian allied communities.

<sup>88</sup> Comp. also Maschek (2024) 41: "Because the existence and the standing of small and medium-sized households were immediately threatened by relative economic decline [i.e., resulting from the disproportionate increase in elite prosperity flowing from Rome's hegemonic position across the Mediterranean], citizen status was particularly important to them. It guaranteed some kind of distinction from the non-citizen, who could surpass them in lifestyle and wealth. This helps to explain the rising tensions regarding Roman citizenship and associated privileges that started over the course of the second century BCE."

As Steven Levitsky and Daniel Ziblatt argue, democracies can only survive where written constitutions are reinforced by two basic unwritten democratic norms, norms that are essential in terms of preserving the inbuilt checks and balances: mutual toleration and forbearance. Levitsky and Ziblatt's definitions of both concepts are as follows:

Mutual toleration refers to the idea that as long as our rivals play by constitutional rules, we accept that they have an equal right to exist, compete for power, and govern. We may disagree with, and even strongly dislike, our rivals, but we nevertheless accept them as legitimate (. . .). It means that even if we believe our opponent's ideas to be foolish or wrong-headed, we do not view them as an existential threat. Nor do we treat them as treasonous, subversive, or otherwise beyond the pale.

institutional forbearance (. . .) means 'patient self-controls, restraint and tolerance,' or 'the action of restraining from exercising a legal right.' (. . .) institutional forbearance can be thought of as avoiding actions that, while respecting the letter of the law, obviously violate its spirit. Where norms of forbearance are strong, politicians do not use their institutional prerogatives to the hilt, even if it is technically legal to do so, for such action would imperil the existing system.

"The opposite of forbearance", Levitsky and Ziblatt go on to explain, "is to exploit one's institutional prerogatives in an unrestrained way. Legal scholar Mark Tushnet calls this 'constitutional hardball': playing by the rules but pushing against their bounds and 'playing for keeps.' It is a form of institutional combat aimed at permanently defeating one's partisan rivals – and not caring whether the democratic game continues." Still according to Levitsky and Ziblatt, these vital norms are what they term the

"soft guardrails of American democracy, helping it avoid the kind of partisan fight to the death that has destroyed democracies elsewhere in the world, including Europe in the 1930s and South America in the 1960s and 1970s."<sup>89</sup>

Levitsky and Ziblatt center on the American Republic. Admittedly, as opposed to the American model, the 'constitution' of the Roman Republic was nothing but the cumulative combination of statute laws (i.e., laws carried in the popular assemblies), decrees of the Senate, judicial decisions, opinions of those learned in the law, edicts of

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<sup>89</sup> Levitsky and Ziblatt (2018), introduction and ch. 5 (with the quotes from p. 9, 102, 106 and 109). As they outline on p. 118–119 and 132–133, the Roosevelt presidency offers a powerful example of forbearance and mutual toleration at work. Since Roosevelt's encompassing New Deal program required a substantial rise in fiscal revenue, the President initially met with strong political opposition, notably from the conservative Supreme Court. Nonetheless, the Supreme Court eventually had the forbearance to reverse itself on a series of decisions blocking central pieces of New Deal legislation after a presidential proposal to expand its size (the so-called 'court-packing' scheme, which would allow for additional Democratic nominees) had been resoundingly defeated. Levitsky and Ziblatt (2023) 50–59 identify the four main ways constitutional hardball can happen: (1) exploiting gaps in the statutory and normative framework, (2) excessive or undue use of the law, (3) selective law enforcement, and (4) lawfare, i.e., the passage of "new laws that, while seemingly impartial, are crafted to target opponents".

magistrates, custom and equity.<sup>90</sup> Nonetheless, Levitsky and Ziblatt's empirical framework perfectly applies to the Roman Republic. Apart from the fact that both the American and Roman Republics arguably are only 'partial democracies',<sup>91</sup> the Roman Republic, too, makes for a perfect example of a 'mixed constitution', a balanced machinery of state comprising a strong and overwhelmingly elected magisterial executive, an authoritative aristocratic advisory body consisting of former and incumbent magisterial executives,<sup>92</sup> and a number of popular assemblies with very real and powerful (mainly electoral and legislative) prerogatives – a formula that had proved extraordinarily effective in times of war (and other crises) during the heyday of the classical Republic (c. 300 – 133 BCE).<sup>93</sup>

During that fateful year 133, however, the senatorial aristocracy and, to a much lesser extent Tiberius Gracchus, unflinchingly sacrificed both the norms of mutual toleration and forbearance, triggering a political hardball race to the bottom.<sup>94</sup> Tiberius' decision to take his agrarian reforms directly to the People, without prior consultation of, and approval by, the Senate was certainly unusual. His action was, however, neither groundless nor unprecedented. In 223 BCE, the – equally much-maligned – consul C. Flaminius had already carried an agrarian law dividing up the coveted *ager Gallicus* (in northeastern Italy) against the will of the Senate. In 140 BCE, the consul C. Laelius, a close friend of Scipio Africanus the Younger, had already fielded a proposal not unlike that of Tiberius and his backers. As the "men of influence" were strongly opposed and there was a real risk of upheaval, Laelius quickly desisted, reportedly earning him the nickname *Sapiens*, 'the Wise'.<sup>95</sup> Furthermore, Tiberius' measure made a significant concession to appease the impacted (Roman) possessors of public land by providing for a generous compensation scheme: financial compensation for all assets as well as additional grants of 250 *iugera* to first and second sons

<sup>90</sup> Thus, Cic. *Topica* 5.28. Relevant here is Meier's concept of Rome's "organic" or "grown constitution" (*gewachsene Verfassung*): see especially Meier (1966) 56–57. Mommsen as the originator of this line of thought: Barber (2022) 129.

<sup>91</sup> On there being solid grounds to view the American Republic as a partial democracy (esp. the presence of powerful counter-majoritarian mechanisms to neutralize, if not counter-act, the popular vote), see Levitsky and Ziblatt (2023). In the Roman Republic, the two most powerful electoral and legislative popular assemblies, the *comitia centuriata* and the *comitia tributa*, respectively favoured senior/wealthy (*centuriata*) and rural (*tributa*) constituencies, systemic features likewise intended to mitigate the popular vote: Cornell (2022) 223–228.

<sup>92</sup> See Barber (2020), comp. *supra* n. 57.

<sup>93</sup> See Polybius' famous appraisal in Polyb. 6.11–18, corroborated by Cic. *Rep.* 1.69.

<sup>94</sup> For the most recent comprehensive account of the escalations of 133, see Beness and Hillard (2022).

<sup>95</sup> On C. Laelius, see Plut. *Ti. Gracch.* 8.4; on the so-called *Lex Flaminia de Agro Gallico et Piceno viritim dividundo*, see Polyb. 2.21.7–8; Cic. *Senec.* 11; *Acad. Prior.* 2.13; Val. Max. 5.4.5; Feig Vishnia (1996) 3. C. Flaminius may well have been the sponsor of an important reform – compellingly reappraised by Tan (2023) – that levelled the field for first *census* class voters in the *comitia centuriata*, the assembly electing the higher magistrates, and enhanced the importance of second and third property class voters.

(i.e., in addition to the 500 *iugera* already excused from the legislation).<sup>96</sup> Faced with the irresistible popularity of the bill, however, the Senate pressured one of Tiberius' colleagues in the tribunate of the *Plebs*, M. Octavius, once a friend of Tiberius and believed to be amenable to the law as a large holder of public land, to veto the bill. Consequently, Tiberius issued edicts forbidding all other magistrates to transact any public business until the vote on his bill had taken place and put his private seal on the Temple of Saturn so as to block all public expenditure and revenue, declaring he would fine any praetors disobeying his measure. Upon the urgent entreaties of two consular senators, Tiberius at long last agreed to bring the matter before the Senate. "Owing to the prevailing influence of the wealthy class in it", however, nothing was accomplished in this session, causing Tiberius to take an unprecedented step as he promulgated a bill to depose Octavius from his office. As the latter would not relent in the face of Tiberius' desperate pleas for him not to oppose a just and tremendously popular measure, Tiberius eventually carried a law impeaching his hapless colleague. Even if Plutarch terms this measure "illegal and unseemly" (τρέπεται πρὸς ἔργον οὐ νόμιμον οὐδὲ ἐπιεικές), it is important to note that his words are to be understood in that Tiberius' actions represented a breach of custom, not of statute law.<sup>97</sup> After the passage of Tiberius' agrarian law and the election of a triumviral board for the survey and distribution of the public land, the Senate – on the motion of Scipio Nasica – likewise resorted to an unprecedented move as it refused to allocate the necessary logistical funding, "although other men had often obtained one for less important purposes." Tiberius' next move, however, would irreparably damage his relationship with the Senate. As Attalus Philometer, the exceedingly wealthy king of Pergamum, had died and made the Roman People his testamentary heir, Tiberius promptly fielded a bill appropriating the royal treasury for the purpose of funding his agrarian law and subsidizing its beneficiaries, and furthermore threatened to promulgate another to decide the fate of the cities of Attalus' kingdom. With these measures, Tiberius threatened to interfere directly in two of the Senate's foremost and long-standing prerogatives: control of foreign policy and public revenue and expenditure. It was at

<sup>96</sup> Since seven *iugera* of relatively good land would have sufficed to put a citizen in at least the fifth *census* class (cf. n. 12 *supra*), these were very significant concessions indeed. That Tiberius's land reform only concerned Roman public land, not private holdings, in sharp contradistinction to the 4<sup>th</sup> century land reforms (cf. *supra*), and provided for generous compensation (Plut. *Ti. Gracch.* 9.2-3), may explain why Cic. *Rep.* 3.41 asserts he "kept faith with his fellow-citizens but violated the customary and treaty rights of our [Italian] allies and the Latins" – *perseveravit in civibus, sociorum nominis-que Latini iura neglexit ac foedera* (comp. also n. 31 *supra*).

<sup>97</sup> Plut. *Ti. Gracch.* 10–12 (with the quotes taken from 11.2 and 13.3); App. *B Civ.* 1.12. Contra Edelstein (2024) 410. Edelstein (2024) 411–412 also incorrectly suggests Ti. Gracchus may have sought to "reform the constitution".

this critical juncture that Tiberius' opponents in the Senate began to accuse him openly of aspiring to royal power.<sup>98</sup>

In the context of a debate on democratic breakdown and levers of authoritarianism, it is important to single out two further elements of the epochal crisis of 133. First, there is the enormity of Scipio Nasica's hugely consequential decision to override the established legal processes and conventions in calling for, and overseeing, the violent murder of a sacrosanct tribune of the *Plebs* and many of his citizen associates, declaring in the Senate that he was compelled to act as a private citizen on the grounds that "the consul [i.e., P. Mucius Scaevola], while following legal process", acted "such that Roman rule will collapse along with all the laws" – *consul dum iuris ordinem sequitur, id agit ut cum omnibus legibus Romanum imperium corruat*. Equally consequential, however, was the consul's egregious abdication of responsibility. Even if he himself refused to take any violent or illegal action, he also did nothing to stop Nasica and his partisans from committing such acts.<sup>99</sup> As Levitsky and Ziblatt argue, the "abdication of political responsibility by existing leaders often marks a nation's first step toward authoritarianism".<sup>100</sup> At all events, our sources are unequivocal that the extrajudicial murders of Ti. Gracchus and many of his associates represent a watershed in the history of the Republic, marking the start of its descent into paralysing

<sup>98</sup> Plut. *Ti. Gracch.* 13–14.2. On foreign policy and public finance as the Senate's foremost prerogatives: Polyb. 6.13–15.

<sup>99</sup> Val. Max. 3.2.17 (also supplying the quote) – comp. *Dom.* 91, where Cicero flags his approval of Nasica's action and records that the consul "was considered to have been somewhat lacking in energy when the deed was in contemplation" but "when it had been accomplished immediately defended Scipio's action by several decrees in the Senate, and even complimented him upon it." Even if Valerius Maximus draws on a tradition fiercely hostile to the Gracchans (see, e.g., 5.3.2e), he also provides examples of Nasica's arrogance and his being completely out of touch with 'ordinary' Roman constituents: Val. Max. 3.7.3 (where it is recorded that Nasica before the People declared he knew better than them what was in the best interest of the Republic even in the matter of their own food security) and 7.5.2. On the arrogance of the late republican senatorial nobility, see also Sall. *Iug.* 5.1–2. Nasica's reaction being more fatal than Tiberius' boundary pushing: Badian (1972).

<sup>100</sup> Levitsky and Ziblatt (2018) ch. 1 ("Fateful Alliances", esp. 1–19, with the quote from p. 19); comp. Levitsky and Ziblatt (2023) 41: "any party or politician" that embraces violence as a means of achieving political goals "should be considered a threat to democracy." Mussolini and Hitler feature prominently among modern autocrats who commenced their political careers as fringe outsiders since they only came to power after securing the opportunistic if misguided backing of conservative elites – comp. de Dijn (2020) 323: "throughout Europe, these movements managed to overthrow democracy, as ruling elites in many countries showed themselves to be "anti-communists first, democrats second"; on the case of Hitler, see also Beck (2011). Perhaps the most compelling and consequential Roman example of such a "devil's bargain" (Levitsky and Ziblatt, 2018, 15) between the ruling Roman elite and a relative outsider/underdog would be the equally fateful deal struck between the Senate and young Gaius Octavius, Caesar's grand-nephew and son by testamentary adoption, as the so-called 'republicans' (much at Cicero's instigation) had hoped to use Young Caesar as a puppet in their bitter power struggle against Caesar's former henchman Marcus Antonius: Cic. *Phil.* 5.42–53; *Brut.* 1.15.6 and 9; *Fam.* 11.20.1; Livy *Per.* 119; Vell. 2.62.4–5; App. *B Civ.* 3.74 and 80; Cass. Dio 46.40.1–6 and 41.1; comp. *MRR* 2, 345–347.

internecine strife (*stasis*), political assassinations, and large-scale violence.<sup>101</sup> The history of the Roman Republic following the violent destruction of Tiberius Gracchus indeed abounds with examples of Roman politicians abandoning mutual toleration and forbearance and steamrolling the guardrails of a system that had ensured the relatively smooth and peaceful functioning of the Roman republican machinery of state.<sup>102</sup> A few further examples should suffice to illustrate the point.

In their desire to rescind several of the laws carried by Gaius Gracchus and his allies, the senatorial aristocracy again resorted to murderous violence, killing Gracchus, Fulvius Flaccus and thousands of their supporters, significantly upping the ante in terms of the instruments created or used and the scale of the crackdown (cf. *supra*). Given senatorial actions in 133 and 121, it should come as no surprise that thereafter, the so-called *populares*, the moderate reformists championing the supremacy of the popular assemblies, too, increasingly ignored the guardrails of the republican political process. In 100, for example, the maverick tribune of the *Plebs* L. Appuleius Saturninus rode roughshod over the veto of one of his colleagues to carry an expensive grain law. In a desperate attempt to block the vote, the quaestor Q. Servilius Caepio claimed that the tribune was acting against the national interest (*adversus Rem Publicam*) and attacked the assembly with the assistance of the ‘good men’ (*cum viris bonis*), destroying the voting bridges, throwing down the ballot boxes, and blocking all further action on the bill.<sup>103</sup> Later in that tumultuous year, Saturninus and his closest political ally, the praetor C. Servilius Glaucia, violently attempted to get themselves elected to another tribunate of the *Plebs* and the consulship respectively. As Glaucia’s premature candidature was outright illegal and the men orchestrated the murder of Memmius, one of Glaucia’s rivals, the Senate yet again issued the so-called ultimate decree, giving the consuls *carte blanche* to deal with the situation. The consul C. Marius consequently

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<sup>101</sup> See esp. Sall. *Hist.* 1 fr. 12R; App. *B Civ.* 1.1–2; Vell. 2.3.3–4. Comp. Lutz and Lutz (2006) 499: “the effective level of violence in the Republic increased dramatically.” For a compelling recent study of physical violence in the U.S. Congress from 1830 to the outbreak of the American Civil War in 1861 as a key symptom of systemic breakdown in a relatively well-functioning political system, see Freeman (2018), also discussed in Lange (2024) ch. 1.

<sup>102</sup> To the extent that the worsening political mores of the Roman senatorial nobility and their gradual abandonment of mutual toleration and forbearance are also an issue of flagging morality, the analysis here ties into the central argument of Belonick (2023), who suggests that a set of moral precepts labelled ‘restraint values’ or ‘restraint norms’ were vitally important in preserving the stability of the Republican system of aristocratic competition for honours and argues that the implementation of these rules of political engagement began to malfunction around the time of the Gracchi, significantly contributing to the eventual collapse of the entire Republican edifice; for a similar analysis, positing a gradual disintegration of elite consensus about the rules of the political game as aspiring individuals broke loose from the conventions governing intra-elite competition, see Hölkeskamp (2004) and (2010).

<sup>103</sup> *Rhet. Herr.* 1.21. In 133 “the party of the rich” had already tried to thwart Tiberius’ bill to impeach his recalcitrant colleague M. Octavius by stealing the voting urns, eventually yielding to popular pressure: Plut. *Ti. Gracch.* 11.1.

besieged his erstwhile political allies on the Capitol, accepted their surrender and placed them in the Curia Hostilia to await trial. There, they were nonetheless brutally murdered by their opponents.<sup>104</sup>

In 91, under the relentless leadership of the consul L. Marcius Philippus, the Senate moved to annul the entire reform package of Livius Drusus and his allies, regardless of the fact that all this legislation had been passed with the official support of the Senate.<sup>105</sup> As a direct result, the Italian allies decided to get what they wanted from Rome through outright war.<sup>106</sup> In 88, with the war still ongoing, the consuls L. Cornelius Sulla and Q. Pompeius tried to block another round of bills canvassed by the renegade tribune of the *Plebs* P. Sulpicius – including consequential bills enrolling the Latins and Italians enfranchised in 90 and 89 (on the discriminatory proviso they be enrolled in eight new electoral tribes to vote after the thirty-five existing tribes had already done so first) as well as the influential freedmen into all thirty-five tribes – by declaring a cessation of public business (*iustitium*), essentially shutting down political life in Rome.<sup>107</sup> Sulpicius subsequently descended on the Forum with an armed militia and compelled the consuls to rescind what he considered an illegal cessation of business and next carried his laws by force. Since one of these measures transferred the lucrative command against the Pontic king Mithridates VI Eupator from Sulla to Marius and appointed the latter to an extraordinary proconsulship, Sulla was furnished with a pretext for the unthinkable. Having fled to the large army earmarked for the war against Mithridates and encamped near Nola, he assembled the soldiers, harangued them about the injustices done to a consul of the Roman People, and led them against Rome to “deliver her from tyrants”. After his men captured the city with

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<sup>104</sup> *MRR* 1, 547–576.

<sup>105</sup> See Morrell (2015); Vervaeke (2023).

<sup>106</sup> For a full account of the Social War, see: Dart (2014).

<sup>107</sup> With the Social War continuing in 90 and 89, a series of measures granted Roman citizenship, first to all Latin and Italian allies that had remained loyal to Rome, and then to those willing to surrender unconditionally. Importantly, the enfranchised Italians were to be enrolled in newly created tribes that were to vote only after the existing thirty-five. In 87, in the context of a gruesome civil war fought largely over this issue and in a moment of great desperation with Rome besieged, the Senate also granted citizenship to those allies that had surrendered only after being thoroughly defeated in the field (well after the initial enfranchisement measures of 90/89), albeit under the same restrictive counter-majoritarian condition. This signified that even if numerically inferior, the pre-Social War citizens would continue to dominate the popular assemblies. After much bloodshed and on the eve of another civil war in 84, the consul Papirius Carbo forced through a law enrolling all the newly enfranchised into the existing thirty-five tribes. It was, however, not until the *census* conducted in 70, in circumstances firmly controlled by the consuls Pompeius and Crassus, that they were at long last able to vote on a footing of equality with the pre-Social War citizens (see Livy 9.46.11 for the fact that enrolment in the *census* was a prerequisite for participation in the comitia *centuriata* and *tributa*). For extensive discussions of these issues, see: Dart (2014) and Vervaeke (2023). For the view that many key Italic allies who rebelled in 91 sought to break away from Rome and establish an independent confederacy of sorts, see, e.g., Mouritsen (1998) and Pobjoy (2000).

much bloodshed, Sulla and his colleague presided over a raft of mostly reactionary and draconian laws, including an unprecedented measure officially outlawing twelve ringleaders of the opposition as *hostes publici* – public enemies – to be expropriated, hunted down, and executed.<sup>108</sup> In 59, C. Iulius Caesar's first consulship was entirely marred by mutual hardball politics (Caesar and his powerful allies vs. his colleague Bibulus and the powerful 'optimate' faction in the Senate), and during those other fateful years 51/50 BCE, tribunes of the *Plebs* friendly to Caesar simply vetoed all decision-making pertaining to the Roman provinces in the political stalemate concerning the legalities of Caesar's candidacy for a second consulship and his position in the Gallic provinces and Illyricum.<sup>109</sup>

In consequence of these repeated and, for that matter significant, violent breaches of the guardrails of democracy, Roman republican politics after 133 was marked by spiralling polarization and its ugly twin, rampant factionalism.<sup>110</sup> As recorded by Appian, it was Tiberius Gracchus's contentious agrarian reform that first gave rise to two diametrically opposed factions (typically termed 'staseis' [στάσεις] headed by factional leaders, termed 'stasiarchoi' [στασιάρχου]), a phenomenon that would continue to plague Roman politics.<sup>111</sup> Well before Appian, Cicero had Scipio Africanus' friend Laelius ('the Wise', cf. *supra*) say the following in the preliminary conversation of his *De Re Publica*, written between 54 and 51 on the eve of yet another round of devastating civil wars:

*quid enim mihi L. Paulli nepos, hoc avunculo, nobilissima in familia atque in hac tam clara re publica natus, quaerit quo modo duo soles visi sint, non quaerit cur in una re publica duo senatus et duo paene iam populi sint? nam ut videtis mors Tiberii Gracchi et iam ante tota illius ratio tribunatus divisit populum unum in duas partes.*

<sup>108</sup> On the episodes from 91 to 88, see Vervae (2023) chs 2 and 5.

<sup>109</sup> For a detailed analysis of how mutual hardball politics played havoc during Caesar's first consulship in 59, see Rafferty (2022); comp. *MRR* 2, 240–241 and 249–250 and Chrissanthos (2019). "Although some of [Hungary's Viktor] Orbán's methods feel new", Levitsky and Ziblatt (2023) 64 argue that "he was actually following a playbook that is centuries old. Indeed, the practice of constitutional hardball was perfected in one of the world's oldest republics: the United States. And its effect there was equally devastating." This analysis should be qualified in that this practice was perfected in the most powerful and enduring republic of the ancient world, the Roman Republic, where its effect was even more devastating and serves as a cautionary tale as to what may well transpire in the U.S. if meaningful democratic reforms fail and authoritarian minority rule prevails.

<sup>110</sup> For a comparative study of violence in the early and especially late Republic, arguing that the actions of mobs and others during the French Revolution and leftists and fascists in Europe were very similar to the techniques used in the Roman political system, see Lutz and Lutz (2006). On escalating polarization as an important red flag for systemic breakdown of established political process and a catalyst for civil war, see Lange (2024) ch. 1.

<sup>111</sup> For the Gracchan land reforms as a catalyst for factional strife in Rome and Italy: App. *B Civ.* 1.2; 1.9–10 and 1.13, with Stone (2015) 225–230 ("the factional divide was Pan-Italian"). Significantly, Appian refers to factionalism (or factional strife) repeatedly in Book 1 of his *Civil Wars*: 1.2–3; 1.5; 1.10; 1.22; 1.55; 1.73; 1.98; 1.107; 1.115.

Why, I ask you, does the grandson of Lucius Paullus, the nephew of [Scipio] here, born in a most noble family and in this famous Republic, ask how two suns have appeared, and doesn't ask why in a single Republic there are now two senates and practically two peoples? For, as you see, the death of Tiberius Gracchus, and even before that the whole policy of his tribunate, has divided one people into two parties.<sup>112</sup>

And according to Cicero's older contemporary, the learned Terentius Varro, Gaius Gracchus' law of 122 handing the juries of the powerful standing criminal courts to the equestrians had "created a two-headed citizenry, fountain of civil discords".<sup>113</sup> The ensuing political deadlocks inevitably caused interest groups and constituencies on both sides of the divide to lose faith in the traditional political process. As Walter amply demonstrates in her compelling analysis of how civil wars start, the rise of factions and the loss of hope represent two further powerful catalysts for mass violence and civil war, along with the abovementioned fear of losing status/sociopolitical downgrading.<sup>114</sup>

Before briefly appraising the political consequences of the senatorial aristocracy's reform unwillingness, it is useful to consider one further powerful causal factor explaining why the Roman Republic descended into full-scale civil war roughly forty years after the murder of Tiberius Gracchus and less than three years after the cancellation of Livius Drusus' encompassing reform package. Since the peaceful resolution of the so-called Struggle of the Orders in the 4<sup>th</sup> century BCE, the Roman Republic had been a beacon of relative political stability and systemic resilience in the tumultuous and war-torn Mediterranean. This system could perhaps best be defined as a competitive aristocratic oligarchy with strongly ingrained democratic processes structurally skewed towards senior, wealthy and rural voters.<sup>115</sup> From the age of the Gracchans in particular, however, a vigorous reformist minority within the Roman senatorial aris-

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**112** Cic. *Rep.* 1.31; comp. Diod. Sic. 34/35.6.2, reflecting on the situation in 133 BCE: "the strength on both sides was evenly balanced, and the scales tipped now this way, now that, the two parties, being assembled many thousands strong, clashed violently, and in the public assemblies there appeared billowing forms and patterns like waves of the sea."

**113** Varro *ap. Non. Marc.* p. 728 ed. Lindsay, echoed in Flor. 2.5.3 and Dion. Hal. *Ant. Rom.* 2.11.3; comp. App. *B Civ.* 1.22. On the growing power of these courts and the fact that in the Late Republic, "une condamnation dans une *quaestio* signifiait la mort civile", and that "les tribunaux devinrent les arènes où se faisaient et se défaisaient les carrières", see Bur (2020) 209; comp. Bur (2016) and (2018) 365–376.

**114** Walter (2022) ch. 2 and 4. For the increasing hopelessness of the Roman populace in the time of the Gracchans, see Diod. 33/35.6.1, "The crowds poured into Rome from the country like rivers into the all-receptive sea. Buoyed up with the hope of effecting their own salvation, since the law [i.e., Tiberius' agrarian bill] was their leader and ally"; App. *B Civ.* 1.9 and 21; for the widespread poverty of the late republican population of rural Italy, see also (Ps.?) Sall. *Ad Caes. sen.* 2.5.4. On the role of disillusion, alienation and disengagement in the Late Republic, see also Hillard and Beness in this volume, citing compelling evidence of outburst of "class violence".

**115** For a brief discussion (with further reading) to the workings of the *comitia centuriata* and *tributa*, see Cornell (2022).

tocracy unquestionably pushed for a more redistributive, inclusive, and participatory political system, sponsoring laws or bills concerning civil rights (strengthening the right of appeal and introducing the secret ballot in electoral and next also legislative popular assemblies<sup>116</sup>), land and fiscal reform, grain subsidies, and the equal enfranchisement of the Latin and Italian allies as well as the sizable body of entrepreneurial and influential freedmen.<sup>117</sup> Even if these reformists certainly did not envisage an Athenian-style egalitarian and direct democracy, they arguably endeavoured to render the Roman Republic a more democratic outfit,<sup>118</sup> as well as to enhance the role of the gumpious equestrians, often at the expense of their own social class. In doing so, these so-called *populares* decidedly pushed the Roman republican polity even further into anocratic territory, to borrow another useful concept from Political Science (see discussion in the introduction).

Anocracies (from the ancient Greek words ‘an’, “without” and ‘cracy’, “government” or “rule”) are essentially political systems which are neither fully democratic nor fully autocratic but combine elements from both extremes.<sup>119</sup> The term anocracy is credited to Northwestern Professor Ted Robert Gurr, founder of the *Polity Project at the Centre for Systemic Peace* research institute. The Polity Project has through multiple iterations developed a large dataset of modern states based on assigning a ‘Polity Score’. It uses a 21-point scale in which states are assigned a score ranging from -10 for most autocratic to +10 for most democratic. Countries which fall in the range between -5 and +5 are considered anocracies. The criteria for assessing this score include:

- A. how free elections are from government control.
- B. the extent to which the executive branch is constrained.
- C. the degree to which participation is open and institutionalised.
- D. the level of competitiveness for the presidency.

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<sup>116</sup> Vervae (2023) 34. Measures rightly identified as marking the beginning of a new era in Roman republican politics by Flower (2010a) 72–76. Cicero’s notable hostility vis-à-vis the secret ballot (*Sest.* 103; comp. *Leg.* 3.35–36 and 39, where Cicero recognizes the secret ballot as a vindication of the People’s *libertas* but at once advocates for ‘voluntary disclosure’ to aristocratic bystanders!) doubtlessly reflects the sentiment of much of the senatorial nobility.

<sup>117</sup> As such, the Late Republic, conventionally dated from 133 to 27 BCE, can be considered the heyday of the Roman legislative popular assemblies. For the notable difference in output between the period before 133 and the era from the Gracchi to Sulla, see Elster (2003) and (2020), a difference that does not even consider the statute laws passed after Sulla.

<sup>118</sup> Comp. Plut. *C. Gracch.* 5.3. where Plutarch asserts that some of Gaius Gracchus’ measures “to a certain extent” endeavoured to “change the constitution from an aristocratic to a democratic form” - καὶ μετενεγκὼν τρόπον τινὰ τὴν πολιτείαν ἐκ τῆς ἀριστοκρατίας εἰς τὴν δημοκρατίαν.

<sup>119</sup> Termed “hybrid” regimes in Levitsky and Way (2010) 5. In this particular study, however, the authors are mainly interested in ‘competitive authoritarian’ regimes, civilian regimes in which democratic institutions exist as sources of political position and legitimacy but are systematically hollowed out by the incumbents’ abuse of the machinery of state so as to continue, entrench, and enhance their own position of power. It logically follows that the emergence of competitive authoritarianism within a political system *ipso facto* pushes that system (further) into anocratic territory.

The Polity Project's rating of the United States from 1776 to 2023 provides an insightful example of how this rating system can be applied. The Polity data rates the U.S. in the period immediately after 1776 at or above +6. Between 1797 and 1800, however, the U.S. briefly slid into anocracy territory with a rating of +5. From 1801, it is again ranked as +6, increasing to +10 in 1829 and being subsequently rated between +8 and +10 throughout the remainder of the 19th and 20th centuries. In 2016, conversely, the US dropped to +8, followed by a further drop to +5 in 2020, below the threshold for being considered a democracy. The rating has since been upgraded to +8 as of 2021.<sup>120</sup> On the one hand, this framework demonstrably has significant inherent limitations. Stable constitutional monarchies with high standards of living such as Australia, New Zealand and Canada are rated +10 on the scale despite having a hereditary head of state. The United States ranked highly throughout most of the 19<sup>th</sup> century despite the prevalence of slavery (until 1864) and the vote being limited to only property-owning males over the age of 21.<sup>121</sup> It continued to rate highly in the twentieth century despite features including widespread ethnic segregation, Jim Crow laws and rampant gerrymandering. Similarly, Australia's score seemingly ignores the overt exclusion of Aboriginals from the political process until 1965, when the last Australian state enabled Aboriginal and Torres Strait Islander people to vote at federal and state elections.<sup>122</sup>

Nonetheless, the framework's very indifference to slavery, segregation, and the exclusion of women from political participation, factors typically constraining our ability to properly compare the Roman political system to contemporary democracies, render it an appealing model to test Rome against.<sup>123</sup> As flagged in the above, both Polybius (famously so) and Cicero considered the Roman political system to be a balanced mix of autocratic, aristocratic and democratic elements.<sup>124</sup> Since the concept of anocracy does not treat autocracy and democracy as discrete, mutually exclusive forms of governance and instead views a "spectrum of governing authority that spans from fully institutionalized autocracies through mixed, or incoherent, authority

<sup>120</sup> Sourced from Walter (2022) 135–138. Comp. Levitsky and Ziblatt (2023) 4 ("The [American] republic did not collapse between 2016 and 2021, but it became undeniably less democratic.") and 8.

<sup>121</sup> Comp. the discerning observations of de Dijn (2020) 202: "In short, the political vision of the Atlantic revolutionaries was riddled with inconsistencies. They fought for freedom – but they owned slaves and failed to eradicate slavery. They wanted freedom for all – but many were just as excluded from political power as they had been in the monarchies and oligarchies of the *ancien régime*."

<sup>122</sup> Though widely used, the data set has also been criticized for its Americentrism and even its links to the CIA. For general critique <https://fair.org/home/voxs-cia-backed-democracy-standard-is-ok-with-slavery-and-women-not-voting> (seen 11.01.2025).

<sup>123</sup> As argued by Russell in this volume, we need to be conscious not to simply impose our own parameters of what constitutes a democracy on the Roman Republic.

<sup>124</sup> Polyb. 6.1–2.

regimes (termed “anocracies”) to fully institutionalized democracies”,<sup>125</sup> the classical Roman Republic can, therefore, arguably be considered an anocracy.

Significantly, anocracies are typically considered as inherently at increased risk of social conflict and civil war.<sup>126</sup> Indeed, in her stimulating 2022 book, Walter argues that states experience their highest risk of civil war when they are in a period of transition, either from or toward democracy: in other words, that anocracies experience their greatest period of risk while either moving toward more autocratic systems or while democratising. A potent contemporary example of this transpired in the wake of the 2003 U.S. led invasion of Iraq and the subsequent dismantling of the autocratic government of Saddam Hussain and the Ba’ath Party.<sup>127</sup> Since the Late Roman Republic arguably was an anocracy, a ‘partial democracy’, undergoing a wobbly shift towards the democratic end of the political spectrum, its eventual descent into destructive civil wars flowing from such circumstantial factors as fear of losing status on the part of key social interest groups, rising factionalism marked by the abandonment of the guardrails of democracy, and the loss of hope, also becomes readily understandable on a structural level.<sup>128</sup>

Finally, it can also be argued that the senatorial aristocracy’s scorched-earth strategy to counter the dual threat of politically undesirable reforms and overly ambitious individuals inadvertently – and quite paradoxically – put the Roman Republic on the road towards full-fledged autocracy.

First, the senatorial aristocracy’s heavy-handed and, if need be, lethal and extra-judicial tactics demonstrably displayed all *Four Key Indicators of Authoritarian Behavior* as identified by Levitsky and Ziblatt.<sup>129</sup> Even if developed with an eye to diagnose authoritarian tendencies in modern states, much of their framework seamlessly applies to the methods first adopted by hardcore ‘champions of the status quo’ within the Roman senatorial nobility. It is, therefore, well-worth reproducing their framework here in full:

<sup>125</sup> See <https://www.systemicpeace.org/polityproject.html> (seen 11.01.2025).

<sup>126</sup> Regan and Bell (2010).

<sup>127</sup> Walter (2022) ch. 1: ‘The Danger of Anocracy’. Cf. Lutz and Lutz (2006) 492 and 506–507, observing that the “violence in Rome and elsewhere occurred in situations where there were weak state structures”.

<sup>128</sup> Cf. Walter (2022) 14: “The Political Instability Task Force (. . .) found that the best predictor of instability was not, as they might have guessed, income inequality or poverty. It was a nation’s policy index score, with the anocracy zone being the place of greatest danger. Anocracies, particularly those with more democratic than autocratic features – what the task force called ‘partial democracies’ – were twice as likely as autocracies to experience political instability or civil war, and three times as likely as democracies.”

<sup>129</sup> Levitsky and Ziblatt (2018) 23–24.

1. Rejection of (or weak commitment to) democratic rules of the game.	<p>Do they reject the Constitution or express a willingness to violate it?</p> <p>Do they suggest a need for antidemocratic measures, such as cancelling elections, violating or suspending the Constitution, banning certain organizations, or restricting basic civil or political rights?</p> <p>Do they seek to use (or endorse the use of) extraconstitutional means to change the government, such as military coups, violent insurrections, or mass protests aimed at forcing a change in the government?</p> <p>Do they attempt to undermine the legitimacy of elections, for example, by refusing to accept credible electoral results?</p>
2. Denial of the legitimacy of political opponents.	<p>Do they describe their rivals as subversive, or opposed to the existing constitutional order?</p> <p>Do they claim that their rivals constitute an existential threat, either to national security or to the prevailing way of life?</p> <p>Do they baselessly describe their partisan rivals as criminals, whose supposed violation of the law (or potential to do so) disqualifies them from full participation in the political arena?</p> <p>Do they baselessly suggest that their rivals are foreign agents, in that they are secretly working in alliance with (or the employ of) a foreign government – usually an enemy one?</p>
3. Toleration or encouragement of violence.	<p>Do they have any ties to armed gangs, paramilitary forces, militias, guerrillas, or other organizations that engage in illicit violence?</p> <p>Have they or their partisan allies sponsored or encouraged mob attacks on opponents?</p> <p>Have they tacitly endorsed violence by their supporters by refusing to unambiguously condemn it and punish it?</p> <p>Have they praised (or refused to condemn) other significant acts of political violence, either in the past or elsewhere in the world?</p>
4. Readiness to curtail civil liberties of opponents, including media.	<p>Have they supported laws or policies that restrict civil liberties, such as expanded libel or defamation laws or laws restricting protest, criticism of the government, or certain civic or political organizations?</p> <p>Have they threatened to take legal or other punitive action against critics in rival parties, civil society, or the media?</p> <p>Have they praised repressive measures taken by other governments, either in the past or elsewhere in the world?</p>

In the light of this framework, it should come as no surprise then that “when people met Nasica” in the immediate aftermath of the extrajudicial killings of Tiberius Gracchus and many of his associates,

did not try to hide their hatred of him, but grew savage and cried out upon him wherever he chanced to be, calling him an accursed man and a tyrant, who had defiled with the murder of an inviolable and sacred person the holiest and most awe-inspiring of the City's sanctuaries.<sup>130</sup>

Indeed, in slaying the alleged tyrant, a sacrosanct tribune of the *Plebs*, Nasica himself had behaved as a very real tyrant.<sup>131</sup>

As a corollary, the final decades of Roman republican history would instead see the rise of military strongmen. Mindful of the fates of the Gracchi and Livius Drusus, these strongmen typically relied on friendly tribunes of the *Plebs* and/or the loyalty of their (former) troops to become *incontournable* in their confrontations with the Senate as they sought to further their own interests and increase their power on the back of festering popular discontent. Given the spiralling socioeconomic inequality of this period, the soldiers' and *plebs*' willingness to pander to these emerging dynasts should come as no surprise.<sup>132</sup> In the 80s BCE, ruthless strongmen like C. Marius, his close

<sup>130</sup> Plut. *Ti. Gracch.* 21.3: οὐ γὰρ ἀπεκρύπτοντο κατὰ τὰς ἀπαντήσεις οἱ ἄνθρωποι τὴν δυσμένειαν, ἀλλ' ἐξηγριαίνοντο καὶ κατεβδών ὅπου προστύχοιεν, ἐναγῇ καὶ τύραννον καὶ μεμιαγκότα φόνῳ σώματος ἀσύλου καὶ ἱεροῦ τὸ ἀγιώτατον καὶ φρικωδέστατον ἐν τῇ πόλει τῶν ἱερῶν ἀποκαλοῦντες.

<sup>131</sup> Comp. Lutz and Lutz (2006) 501, who observe that the violence against C. Gracchus and his associates "bears a striking resemblance to the use of paramilitaries and death squads by regimes in more modern countries that attempt to keep themselves in power" and was essentially "designed to intimidate the public, and especially opponents participating in the assemblies."

<sup>132</sup> Fighting for Sulla as a young man, L. Domitius Ahenobarbus (*cos.* 54) subsequently amassed so much landed property during the proscriptions of 82/81 that in February 49 he was able to promise somewhere between 15 and 40 *iugera* of land apiece (!) to all the men of the twelve (or perhaps as many as twenty) cohorts (i.e., c. 6,000 – 10,000 men) under his command (with proportional increases for centurions and *evocati*) as he tried to hold the strategic central Italian stronghold of Corfinium against Caesar: Caes. *B Civ.* 1.16.7 and 17.4–5. (comp. Cic. *Att.* 8.12A.1 and 3) and Cass. Dio 41.11.1–2. For a striking analysis tracking the exponential "concentration of income and wealth" – chiefly in the hands of the Roman senatorial and equestrian elites – and its close relation "to the rise and consolidation of imperial power", especially following the "establishment of permanent military dictatorship that preserved the outward trappings of Republican institutions", see Scheidel (2018) 71–74 (with Table 2.1 on p. 72); comp. also Tan (2017) 6–14 and chapters 2–3. Tellingly, Scheidel (2018) 74 furthermore observes that during the "terminal instability" that plagued the Republic from the 80s BCE, "Roman high society experienced its first great turnover since the beginning of the Republic" as "families who had dominated the scene for centuries finally fell from power" because of violent and murderous dislocations (complete with staggering wealth redistributions) and "the ascent of newcomers who rode the warlords' coattails." After the brutal civil wars of the 80s (*contra* Scheidel [2018] 206: Sulla's expropriations in this instance also massively benefitted many of his upstart cronies and tens of thousands of his veterans and families: see Vervaeke [2023] 223–226) and especially the late 40s BCE, when forced requisitions "specifically targeted the rich" and "for the only time in Roman history, fiscal extraction became effectively progressive and the revenue thus generated (. . .) used in a distributive manner" (Scheidel [2018] 207), the relative stability of the tributary imperial autocracy saw an unabated intensification of stratification and wealth concentration at the imperial as well as municipal levels, even "at the expense of middling households", resulting in "extremely severe" inequality (Scheidel [2018] 74–80). In other words, tyranny and military dictatorship did not exactly yield great

ally L. Cornelius Cinna, and L. Cornelius Sulla presided over a first round of devastating civil wars in Rome and Italy. After the conclusion of the so-called Sertorian War in Hispania – essentially a spin-off of the civil wars of the 80s BCE – and the suppression of the Spartacus revolt in Italy, Cn. Pompeius ‘Magnus’ and M. Licinius Crassus in 71/70 first used their large armies encamped near Rome to secure exemptions from legislation preventing them from running for the consulship and next as consuls went on to dismantle key safeguards of the so-called Sullan settlement.<sup>133</sup> During the late 80s, the 70s and 60s BCE, Cn. Pompeius, arguably Sulla’s aptest pupil, further undermined the traditional republican balance of power by pursuing an exceptionalist career and amassing vast riches, invariably relying on a combination of military support and tribunician legislation.<sup>134</sup> For much of the time between 60 and 53, the informal triple alliance between Pompeius, Caesar and Crassus had dominated political life in the Roman Republic.<sup>135</sup> The untimely death of Crassus in northern Mesopotamia in the summer of 53 ushered in rapid political realignments. After a furious plebeian mob had tellingly used the Curia Hostilia as a funeral pyre for its slain champion P. Clodius Pulcher on 19 January 52 (= 9<sup>th</sup> of December, Julian Calendar), Pompeius and his optimate supporters established a new type of Republic which lasted until the outbreak of civil war in January 49. Though the traditional political institutions remained, this new regime had such strongly authoritarian features that it is termed a ‘competitive autocracy’ elsewhere in this volume (see Rafferty, Vervaet and Dart), neatly fitting the theoretical paradigm set out in Levitsky and Way (2010).<sup>136</sup> In the early months of 49, when civil war finally broke out between the maverick proconsul Caesar and his optimate arch-enemies in the Senate, opportunistically led by Caesar’s erstwhile close ally and former son-in-law Pompeius, Cicero, a reluctant and moderate ally of the latter,

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long-term dividends for the commoner population in Rome, Italy and the provinces. All of this should serve as an insightful lesson for contemporary uberwealthy elites unwilling to embrace redistributive reform and struggling or restive constituencies inclined to heed the call of strongmen championing simple solutions and making false pledges of economic relief – comp. also Strunk (2022) ch. 6: “Strongmen Do Not Save Republics.” On the seeming paradox of the late Roman Republic tearing itself apart as its Mediterranean economy boomed, see now Tan in this volume.

<sup>133</sup> Vervaet (2015).

<sup>134</sup> Vervaet (2014), cf. Badian (1968) 83–84: “Pompey left the East not only as its patron, but to a considerable extent (and one hard to realise nowadays) literally as its owner.” On the rise of (lucrative) provincial statelets controlled by the great dynasts of the late Republic as seriously weakening central republican power and eventually enabling them to destroy the Republic, see Crawford (2008).

<sup>135</sup> Described by Varro as the *tricaranus*, the “three-headed monster”: App. *B Civ.* 2.9.

<sup>136</sup> See our chapter on ‘Competitive Authoritarianism on the Eve of Empire’ *infra*. On the chronology of events in 52, see Ramsey (2016). On the politics of P. Clodius Pulcher, the patrician-turned-tribune of the *Plebs*, see Tatum (1999).

was under no illusion that “both wanted to rule”.<sup>137</sup> In the modern era, too, civil wars tend to repeat themselves wherever “old fault lines (. . .) haven’t been repaired, and the myths and stories live on”, a phenomenon termed the ‘conflict trap’ by experts. As Walter argues, only countries that embraced qualitative and inclusive institutional reforms “were able to avoid a second civil war”.<sup>138</sup> Scheidel’s cautionary argument that civil wars tend to increase economic inequalities, “with negative effects that are the stronger the longer the conflict lasts” and “persist beyond the war proper”, with socio-economic leveling occurring “only partially (. . .) or very briefly (as, perhaps, in ancient Rome)”, only give further salience to Walter’s analysis.<sup>139</sup>

Even though Cn. Pompeius and Julius Caesar would eventually pay for their hubristic overreach with their lives, the days of the most powerful and enduring electoral Republic of the premodern world were numbered. The intransigence of the so-called *optimates* and the ensuing ruthless ambitions of self-interested strongmen had killed the late republican vision of a more democratic and participatory Republic.<sup>140</sup> In the spring of 44, hardly one month after the Ides of March, Caesar’s then eighteen-year-old nephew and heir, C. Octavius – the future emperor Augustus – arrived in Italy to claim his political inheritance, in his own words raising a private militia “to

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137 *Uterque regnare vult*: Cic. Att. 8.11.2 (Formia, 27 February 49); comp. Att. 9.7.3 (Formia, 13 March 49): “For our Gnaeus [Pompeius] is marvellously covetous of despotism on Sullan lines. *Ex parte crede*. He has been as open about it as he ever was about anything.”

138 Walter (2022) 198–199. As Kalyvas (2006) esp. 38, 45–47, 64–66, 74–82, 92–93, 374–376 and 389, cogently argues, the politics of civil war should not be treated as a mere extension of pre-war politics and cleavage: civil war transforms the socioeconomic context, defines new risks, incentives, and strategies for individuals, and creates further polarisation and new political fissures.

139 Scheidel (2018) 203–209, with 206–207 focusing on the Roman situation from the 80s to the 30s BCE.

140 In his masterly new history of the rise and fall of Assyria, the world’s first empire, Frahm (2023) ch. 14 surveys the state of the field on the million-dollar question as to the main causes of the seemingly sudden, complete, and irredeemable collapse of Assyria as a territorial superpower between 631 and 609, only to formulate the compelling conclusion that (p. 345–346) “This brings us back from structural and systemic considerations [e.g. the so-called ‘Assyrian megadrought’ from c. 675 to c. 550 BCE] to more contingent factors. Even though it has become somewhat unfashionable among serious historians to emphasize the impact that specific individuals and their decisions can have on the course of history, it cannot be denied that in a state like Assyria, where the king was the linchpin of the whole political machine, failures of particular rulers can sometimes have drastic consequences. And some of the Assyrian rulers of the seventh century BCE, it seems, made major mistakes.” *Mutatis mutandis*, this study suggests that much the same holds true for the Roman Republic, where especially after Rome’s consequential victory in the Second Punic War, the senatorial aristocracy was the linchpin of the whole political machine, and the Senate the dominant institution: Scullard (1935) 329; Cornell (1995) 369; comp. also Tiersch (2022) 375: “it seems rewarding to describe the crisis of the late Roman Republic as a crisis of its leading institution, an institution that lost the lead in favor of powerful individuals – most of them magistrates, who based their power on the groups that felt neglected by the Senate’s policy.”

free the Republic from a tyrannical faction”.<sup>141</sup> Tired of decades of endemic strife and civil war, key Roman interest groups and constituencies were all too happy to embrace voluntary servitude in exchange for the comfort and material prosperity of the Augustan New Order that arose from the ashes of the old Republic.<sup>142</sup>

## Epilogue: Lessons for the 21<sup>st</sup> Century

The fall of the Roman Republic was not inevitable.<sup>143</sup> Had the Roman elites succeeded in embracing meaningful reform, granting moderate if tangible concessions to key interest groups and rendering the Roman republican machinery of state more participatory, it may have avoided the cataclysmic internecine strife that paved the way for autocracy.<sup>144</sup> On the one hand, Cicero was notably hostile to the Gracchans, at least

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**141** See discussion by Ridley in this volume. C. Octavius’ arrival in Italy (Naples) on 18 April 44: Cic. *Att.* 14.10.3 (a “mighty tussle with [Marcus] Antonius” being anticipated by Atticus and Cicero); Aug. *Res Gestae* 1.1: “on my own initiative and at my own expense, I raised an army by means of which I restored liberty to the Republic, which had been oppressed by the tyranny of a faction” (*rem publicam dominatione factionis oppressam in libertatem vindicavi*), echoing Sulla’s and Caesar’s similar claims of respectively 88 (App. *B Civ* 1.57: “to deliver her [i.e., Rome] from tyrants”) and February 49 (*B Civ* 1.22.5–6: he was fighting “to liberate myself and the Roman People from oppression by a faction of the few”, *factione paucorum* – comp. Sall. *Hist.* 1 fr. 12R: the corrupt *pauci potentes* (“the powerful few”) controlled political life in the late Roman Republic).

**142** On the similarly complicit behaviour of the middle class in modern societies, see Keane (2020) 63–69; for *securitas* taking the place of *libertas* in imperial Rome and the role of the Roman People therein, see Shaw (2023); cf. Hillard (2019) 308–312, and Hillard and Beness in the present volume. The above analysis of the multifaceted dynamics that converged to destroy the Republic suggests that Edelstein’s assertion (2024, 418) that it merely was “the battle to consistently surpass and suppress one’s rivals that ripped apart the constitutional norms of the Roman Republic, ultimately replacing it with monarchic government” amounts to an overly simplistic *reductio ad unum*. We do, however, unreservedly accept Edelstein’s suggestion (423) that “most normative solutions to the problem of elite hoarding of honours involve minimizing the power and wealth of elites altogether”. To a certain extent, this would have been the effect of the reform programs of Gaius Gracchus and Fulvius Flaccus and perhaps even Livius Drusus – cf. Tan (2017) ch. 6 and Vervaeke (2023) ch. 2.

**143** See also Deniaux (2020) 147 and esp. Rosillo-López in this volume. We therefore disagree with the famous assertion of Gruen (1974) 504 that “Civil war caused the fall of the Republic – not vice versa”. Whilst we positively accept Gruen’s analysis that the fall of the Republic was not inevitable (to Gruen’s thinking at least not until the civil wars following the assassination of Caesar, *loc. cit.*), it was the staggered and increasingly violent implosion of the Republic’s political processes from the extrajudicial killing of Tiberius Gracchus onwards that triggered the civil wars that eventually finished off the ailing Republic.

**144** Comp. also Tiersch (2022) 379: “the Senate was not only willing to maintain its political dominance, but also adopted the strategy of blocking unwelcome initiatives at any cost.” This chapter thus aligns with criticism in Crawford (1976) of reluctance in Gruen (1974) to explore the causes that eventually drove the senatorial aristocracy from power, preferencing narrative over historical explanation.

when addressing the conservative senatorial nobility who predominately ran the Republic.<sup>145</sup> On the other, he was consistently positive about the would-be reformer M. Livius Drusus, who like himself was a firm believer in the supremacy of the senatorial aristocracy.<sup>146</sup> In the light of this important consideration, it is unsurprising that Cicero, who did not think much of the political abilities and judgment of the Roman commons,<sup>147</sup> had the intellectual honesty to blame his own social class for the demise of his beloved *libera Res Publica* in *De Re Publica* 1.69:

*Haec constitutio primum habet aequabilitatem quandam magnam, qua carere diutius vix possunt liberi, deinde firmitudinem, quod et illa prima facile in contraria vitia convertuntur, ut exstat ex rege dominus, ex optimatibus factio, ex populo turba et confusio, quodque ipsa generibus saepe commutantur novis, hoc in hac iuncta moderateque permixta conformatione rei publicae non ferme sine magnis principum vitiis evenit.*

Such a constitution, in the first place, offers in a high degree a sort of equality, which is a thing free men can hardly do without for any considerable length of time, and, secondly, it has stability. For the primary forms already mentioned degenerate easily into the corresponding perverted forms, the king being replaced by a despot, the aristocracy by an oligarchical faction, and the people by a mob and anarchy; but whereas these forms are frequently changed into new ones, this does not usually happen in the case of the mixed and evenly balanced constitution, except through great faults in the governing class.<sup>148</sup>

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tion. While endorsing Flower (2010b) 83 that “This was not a “crisis without an alternative” and that (for example) Sulla’s ‘New Republic’ represents “a real alternative that had been thought out carefully and that contained an internal logic of its own”, we contest the suggestion that the successive crises that engulfed the Republic after 133 did not flow from “either a stalemate in political reform or a failure of political vision and will.” Gramsci (1981) Q 13 § 27 considers ‘Caesarism’ as a “soluzione arbitraria, affidata ad una grande personalità, di una situazione storico-politico caratterizzata da un equilibrio di forze a prospettiva catastrofica”.

<sup>145</sup> See, e.g., *Rep.* 1.31; 2.49(?) and 3.41 – written on the eve of the final series of late republican civil wars.

<sup>146</sup> See: Mouritsen (2019) 307, comp. also Vervaeke (2023) 64. This suggests that Cicero’s aversion to the Gracchi first and foremost concerned their divisive political methods rather than their reforms *per se*.

<sup>147</sup> For instance, see: *Cic. Rep.* 1.34.52–53 on the virtues of an aristocracy occupying a desirable middle-ground between the weaknesses of a sole ruler on the one hand and the rashness of the people at large on the other.

<sup>148</sup> In terms of leadership, the crisis of the Roman Republic indeed flowed from a crisis within, rather than of, its aristocracy: David (2000). Moatti (2018) 63–64 suggests that Cicero’s adherence to the mixed constitution amounted to an ideological choice, since he (and others with him) believed it to be best means to “exclu[re] le conflit de l’espace politique”. Polybius, who first applied the empiricist theory of political *anacyclosis* (ἀνακύκλωσις, variously translated as “the cycle of political revolution” or “the cycle of constitutions”: <https://anacyclosis.org/portfolio/what-is-anacyclosis> [seen 11.01.2025]), see esp. the famous and immensely influential summary of book 6, esp. 3–6) can thus be said to have predicted the degeneration of the Roman aristocracy into the arrogant oligarchy that spiralled into civil wars and eventually monarchy, by and large skipping the intermediate stages of full democracy and ‘ochlocracy’ (mob rule); comp. also the comparative remarks in Strunk (2022) ch. 1.

A sentiment famously reiterated in 5.2:

*nostris enim vitiis, non casu aliquo, rem publicam verbo retinemus, re ipsa vero iam pridem amisimus.*

For it is through our own faults, not by any accident, that we retain only the form of the Republic [or: the Commonwealth] but have long since lost its substance.

The embattled liberal democracies of our modern era, republics and constitutional monarchies alike, too, struggle with spiralling socioeconomic inequality and relative economic decline, and are similarly haunted by the multi-headed spectre of ‘anocratic backslide’, factional polarization, fear of downgrading on the part of powerful constituencies (Walter’s so-called ‘super factions’, e.g. the urban-rural or ethnic divides), and a growing sense of hopelessness amongst electorates at large.<sup>149</sup> Across both sides of the Atlantic, political forces championing the old status quo (or even outright reactionary policies) on behalf of vested interests and aspiring authoritarians likewise show a demonstrable willingness to override the soft vanguards of democracy and achieve their political objectives through hardball politics, gerrymandering, and court-packing – Viktor Orbán’s regime in Hungary or the U.S. Republican Party from Newt Gingrich to Donald Trump standing out as powerful contemporary examples.<sup>150</sup>

If the story of the protracted agony and violent implosion of the Roman Republic tells us anything, it is the paramount importance of leadership. The Roman Republic arguably descended into mass violence, brutalization, and full-fledged civil war owing to the fateful decision of the consuls of 91 to block encompassing reforms sponsored by moderate conservatives from within the heart of the senatorial aristocracy – espe-

<sup>149</sup> The 2008 presidential campaign of Barack Obama made effective use of simple messaging in now iconic posters depicting a stylized stencil portrait of Obama in solid red, beige, and light and dark blue, with words such as ‘progress’, ‘hope’, or ‘change’ below. Engels (2013), compares the alleged decline of the European Union with that of the Roman Republic, prophesying the arrival of an autocratic regime in 21<sup>st</sup> century Europe.

<sup>150</sup> On “Viktor Orbán’s Hungary” as the “model for building an autocracy via constitutional hardball”, see Levitsky and Ziblatt (2023) 60–64. On past and current schemes to suppress or gerrymander votes of low-income constituents (often targeting esp. African Americans and Latinos): Levitsky and Ziblatt (2018) 89–92; 154–155; 183–186; 210–211 and de Dijn (2020) 301–310. Over the recent decades the Republican Party has been particularly adept at packing the US Supreme Court with conservative Justices through hard-ball politics. On court-packing and the increasingly reactionary nature of the U.S. Supreme Court see: Burns (2009) and Greenhouse (2021). On the present-day GOP, see Levitsky and Ziblatt (2018) 223–230, who argue that “reducing polarization” in the United States “requires that the Republican Party be reformed, if not refounded outright” whereas the Democratic leadership, too, needs to change tack on key divisive issues (quoted from p. 223) – comp. Levitsky and Ziblatt (2023) ch. 4: “Why the Republican Party Abandoned Democracy” and Walter (2022) 147 (“Today, the Republican Party is behaving like a predatory faction.”). For the significant fact that reactionary counter-revolutionaries in 1776–1815 (and beyond) objected to the democratic turn of the Atlantic revolutions, see de Dijn (2020) 234–276.

cially the project to enfranchise the Latin and Italian allies on a basis of equality with the existing Roman citizen body.<sup>151</sup>

Even if history never repeats itself, the modern era is rife with striking parallels to what transpired in the late Roman Republic. Between 1871 and 1945, for example, the conservative aristocratic and industrial elites governing the “partial democracy” that was the German Reich, fearful of losing their dominant sociopolitical position in the face of growing popular demand for democratic reform, twice preferred authoritarianism and all-out imperialist warfare as a last-ditch substitute, eventually resulting in Germany’s utter ruin and their own fall from power.<sup>152</sup> Between 1989 and 1994, likewise presiding over a political powder keg and facing the very real prospect of a devastating ethnic civil war, both Nelson Mandela, the left-leaning leader of the overwhelmingly black African National Congress, and Frederik Willem de Klerk, conservative state President on behalf of the ruling white National Party, instead chose to avoid disaster by spearheading reforms ending white minority rule and creating a more transparent and participatory Republic of South Africa.<sup>153</sup> Even if South Africa today continues to struggle with many pressing socioeconomic and political issues, the alternative, a country deeply scarred by civil war and probable wholesale ethnic cleansing, would have been immeasurably worse. Conversely, however, the assassina-

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151 On the historic significance of what transpired in 91, see Vervae (2023); comp. Meier (1966) 208–215 and 267–300. On the notable brutalization of Roman public life after the Second Punic War, see Bur (2020) 213, who singles out the wholesale destruction of Carthage and Corinth (in 146 BCE) and the quasi-fratricidal mass violence of the Social War (91–87 BCE) as ‘fundamental ruptures’, brutalizing entire contemporary generations and indelibly impacting their collective experience and generational habitus. As Bur notes, amplified and intensified lethal brutalization first occurred in Roman hegemonic aggressions against foreign enemies but ultimately came home to roost when ranking members of the senatorial nobility bluntly decided on the physical destruction of the Gracchi and their associates; comp. also Moatti (2018) 73–74 (“l’importation à l’intérieur de la cité, du langage et des méthodes de la guerre extérieure”, comp. 106–109: from 133, the senatorial aristocracy presented itself as the incarnation of the Republic and branded their political opponents as seditious, even putting them on a par with foreign enemies) and Maschek’s (equally magisterial) 2018 monograph. As Bur (2020) 215 notes, Cic. *Rosc. Am.* 154 (firmly dated to 80 BCE: Vervae [2018] 45) indicates clear awareness of the deleterious brutalization of Roman civic mores. The remarkable and accelerating militarization of the U.S. domestic police forces enabled by the 1965 Law Enforcement Assistance Act (see Hinton [2017]) – notably during the escalating brutality of the Vietnam War – arguably makes for (yet another) ominous parallel with developments in republican Rome from 133–121 BCE.

152 See the – at the time of publication – hugely controversial work of Fischer (1961), (1969), where he explains German politics from 1911 to 1914 in terms of the *Primat der Innenpolitik*, ‘the primacy of domestic politics’, arguing that the German Imperial state looked to deflect growing domestic demands for democracy through a policy of imperialist aggression abroad, 1979 and 1992 (*‘Hitler war kein Betriebsunfall’* – ‘Hitler was not an accident of History’). On Imperial Germany as “only a partial democracy”: Levitsky and Ziblatt (2023) 24; comp. also *supra* n. 73.

153 On the telltale case of South Africa, the paramount importance of “the power of leaders” and reforms strengthening the quality of governance and political participation rates, see Walter (2022) 194–205 (quote from p. 196).

tion of Israeli Prime Minister Yitzhak Rabin on 4 November 1995 in Tel Aviv by Israeli ultranationalist Yigal Amir and the ensuing resurgence of the thorny conflict between Israel and the Palestinians represents a telling counterexample of how things can go horribly wrong in the absence of courageous leadership championing moderation, compromise, and constructive participatory reforms.

The United States of America, the most powerful and enduring electoral Republic of the modern era, offers another telling contemporary example as its “democratic retreat” – in seeming defiance of “two virtually law-like patterns regarding modern political systems”, namely that “rich democracies never die, and old democracies never die” – can likewise not be explained as merely flowing from the emergence of “strongman with a cultlike following”. Indeed, as Levitsky and Ziblatt cogently argue in their 2023 book on the *‘Tyranny of the Minority’*, the current authoritarian turn in U.S. politics is facilitated by systemic democratic deficits and manifest inequities in its political institutions, first and foremost the profoundly undemocratic/counter-majoritarian composition of the powerful Senate. Significantly, after detailing the history and key features of these constitutionally enshrined flaws, the authors mount a forceful argument that the emerging threat of minority rule and authoritarianism can only be countered if “we (. . .) democratize our democracy, undertaking long overdue constitutional and electoral reforms”, requiring sustained leadership at every relevant level.<sup>154</sup>

In a letter to conservative stalwart P. Lentulus Spinther (*cos.* 56), written in December 54 in Rome as dark clouds had long been building over the deeply troubled Republic, Cicero bluntly advised that the ability to adapt to new situations is the hallmark of great statesmen, and that only fools refuse to change their minds:

*Numquam enim <in> praestantibus in re publica gubernanda viris laudata est in una sententia perpetua permansio; sed ut in navigando tempestati obsequi artis est etiam si portum tenere non queas, cum vero id possis mutata velificatione adsequi stultum est eum tenere cum periculo cursum quem coeperis potius quam eo commutato quo velis tamen pervenire.*

Unchanging consistency of standpoint has never been considered a virtue in great statesmen. At sea it is good sailing to run before the gale, even if the ship cannot make harbour; but if she can

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<sup>154</sup> Levitsky and Ziblatt (2023), with the quotes from p. 7–9 and 230, and the forceful case for comprehensive reform in Chapter 8, ‘Democratizing our Democracy’. On p. 10–11, the authors succinctly define the core of the problem with American political process: “Designed in a pre-democratic era, the U.S. Constitution allows partisan minorities to routinely thwart majorities, and sometimes even *govern* them. (. . .) The more imminent threat facing us today, then, is minority rule.” Comp. p. 225: “Not only have steps toward a more inclusive politics triggered a fierce backlash among an authoritarian minority, but our institutions have amplified the power of that minority”. Levitsky and Ziblatt (2023) ch. 5, discerningly details how the “U.S. constitutional system contains an unusually large number of counter-majoritarian institutions” (p. 147). Even if the Roman Republic had no statutory constitution, many of its core design features likewise deliberately enabled minority rule, further strengthening the validity of the comparative exercise undertaken in this chapter.

make harbour by changing tack, only a fool would risk shipwreck by holding to the original course rather than change and still reach his destination.<sup>155</sup>

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<sup>155</sup> *Fam.* 1.9.21 cf. Cic. *Planc.* 94 (a speech written in the same year): *An, cum videam navem secundis ventis cursum tenentem suum, si non eum petat portum, quem ego aliquando probavi, sed alium non minus tutum atque tranquillum, cum tempestate pugnem periculose potius quam illi salute praesertim proposita obtemperem et paream?* – "Or, supposing that I am a passenger on a ship wafted on its course before a favouring breeze, and supposing that, instead of making for the harbour which I at some time or other may have chosen, she bears for another just as safe and calm as that, shall I fight with the elements to my own hazard or shall I not rather yield myself submissively to their leading, especially when they point the way to safety?"

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James Tan

# The Role of the Economy in the Fall of the Roman Republic

**Abstract:** For decades, historians argued that the Republic fell because landless proletarian soldiers saw civil war and land redistribution as their only path to economic security. That view is no longer accepted, yet no materialist explanation of political failure has replaced it. In fact, the past three decades of scholarship has seen a disconnect between Roman economic and political history, with the result that economic historians have thought little about political destabilisation and political historians have thought little about the consequences of Rome's fast-changing economy. This chapter explores how the chasm between the two fields has opened, what effects it has had, and how we might begin to restore economic factors to the study of the Republic's fall. Recent economic research shows that the transition to autocracy occurred in a time of broad economic dynamism. This chapter suggests that we should see the economy as disrupting status systems, reshaping networks and reapportioning bargaining power. Moreover, the economy introduced new mentalities around innovation and risk-taking, which could not be insulated from political life. The result was a period of norm-cascades and political destabilisation which the Republic failed to survive.

For decades, scholars posited a materialist explanation for the Fall of the Roman Republic which remains a fixture in textbooks and popular histories. This model argued that land inequality forced the “proletarianization” of the legions, and that these impoverished soldiers willingly followed leaders like Sulla and Caesar into civil wars that eviscerated the old political system. That thesis no longer persuades. Its central claims have been dismantled, but so too has the intellectual context that spawned it. For post-war scholars immersed in debates around Marxist methodologies, it was very easy to link the distribution of capital, the literal mobilization of the proletariat and the collapse of a political system. Yet a curious thing has occurred in Roman history since the 1990's. Just as the old thesis disintegrated, so too did any materialist inflection of Roman political history as a field, while the study of Roman economics pursued completely different questions, driven by cliometrics and new institutional economics. In the twenty-first century, political historians have asked fewer questions about the Roman economy, and economic historians have asked fewer questions about Roman politics.

There are obviously generalisations in those claims – and exceptions do exist – but it remains the case that dominant theories for Roman political destabilisation have become increasingly dislocated from economic concerns. There was little eco-

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nomic grounding in Meier's *Krise ohne Alternative* or in Gruen's claim that "civil war caused the fall of the Republic – not vice versa."<sup>1</sup> Later trends around "democratic" Rome or "political culture" have not offered all that much more, while recent work on *staatlichkeit* ("stateness"), "restraint," or the descent to civil war in 49 have been learned about politics without integrating economic contexts.<sup>2</sup> Yet, Rome's politics destabilised amidst various "Economic Revolutions."<sup>3</sup> While it is theoretically possible that the two processes were insulated from each other, I am more than a little sceptical, and if that were indeed the case, it would defy so much of what we see as normal for other societies and cultures. The decoupling of economy and politics would itself require intensive research.

The purpose of this paper is to begin renovating the decrepit old bridge between the fields of Roman political and economic history and to sketch some ways in which a materialist approach can enervate that study of the Republic's political destabilisation. Before that can occur, however, it is necessary to see how we arrived where we are.

## The Conventional Model

I will use the term "conventional model" to describe a thesis developed by such luminaries as Gabba, Brunt, Hopkins and others.<sup>4</sup> It comprised three sequential claims, each of which can be found in the sources, but which were synthesised to produce a coherent model:<sup>5</sup>

1. Long wars abroad delivered huge profits to the elite, but ruined the small farms of owners who had could not tend their fields while performing military service.
2. These rich leaders had few investment options other than land, and, faced with the toil of rejuvenating their farms, smallholding veterans were more than willing to sell. This inevitably led to land inequality and a shortage of small farms.
3. With insufficient small farmers to serve in the legions, poorer and poorer soldiers had to serve, until C. Marius abandoned the property qualification altogether,

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1 Meier (1980), Gruen (1974) 504.

2 Lundgreen (2014), Morstein-Marx (2021), Mouritsen (2022) (acknowledging personal interests of wealth), and Belonick (2023) (who raises but then dismisses the importance of wealth at pp. 115–116) offer plenty of insight but demonstrate the tendency to stay away from economic history.

3 Kay (2014), Ellis (2018), Roselaar (2019).

4 Gabba (1949) and (1951), collected in Gabba (1976); Brunt (1962), updated in Brunt (1988) and Brunt (1971a) 13–17. Hopkins (1978). For background, see Cadiou (2018) 18–21, 40–78 and Santangelo (2021) esp. 441–444. The broader interplay of agrarian, economic and political issues has a long bibliography from the post-war period; see *inter alia* de Martino (1958), Toynbee (1965) and Nicolet (1967).

5 The basis of the model hinges to a large degree on reporting of Ti. Gracchus' land reform: esp. App. *BC* 1.7, Plut. *Ti. Gracch.* 9. See also Sall. *BJ* 41.8–9 and 86.2, Plut. *Mar.* 9, Cassius Hemina *F24 FRH*, Val. Max 2.3.1, Flor. 1.36.13, Gell. *NA* 16.10.14.

probably in 107. The legions then filled with landless men. They felt no attachment to the Republic and were willing to fight civil wars for patron warlords who promised the landowner status that their ancestors had forsaken.

Brunt summarised the claim: “It was the wretchedness of the population from which the army was recruited that enabled leaders whose primary concern was their own enrichment or aggrandizement to threaten and finally to subvert the Republic.”<sup>6</sup> The model was elegant, incisive and powerful. Internally coherent, it tied together the economics of conquest, the agrarian politics of the Gracchi and the nightmarish civil wars of the first century. And then Hopkins honed it to its final stage by integrating mass slavery and urbanisation, each of which provided the consumption and production fuel for the emergence of latifundism.<sup>7</sup>

The problem, however, was that each of the model’s three premises turned out to be either debatable or wrong. Though Brunt had claimed that “even two or three years in the legions might have been enough to ruin” small farmers, this was always tendentious.<sup>8</sup> It seems to have assumed that the *pater familias* was the soldier and the farmer, and that, in his absence, nobody would work to maintain the farm. His kin and neighbours would apparently just watch perfectly good land fall into decrepitude, while women would face poverty before they began to do any farming themselves. Rosenstein, however, used a series of heuristic models to demonstrate (a) that the Roman countryside was awash with surplus labour and (b) that a multi-generational farm could actually benefit by sending a son or two to be fed by the army instead of the household granary. Even if every male in the house was off fighting, a mother and a daughter could very manageably feed themselves.<sup>9</sup> While Rosenstein’s assumptions can be changed to produce more pessimistic scenarios, Goodchild has also shown that variations in topography can create a variety of production methods to thrive in all kinds of ways.<sup>10</sup> The conventional model shared assumptions with Finley’s world of economically dull agents, but more recent scholarship has asked how Roman farmers worked within their ecological and economic incentives, creatively diversifying, storing and redistributing to minimise risk and maximise production.<sup>11</sup> These were capable farmers with the labour and ingenuity to adapt to circumstances. The Roman Peasant Project has argued that these smaller farmers were furnished with equipment to engage in a diverse range of productive activities, and though it is not always clear that small farmers – as opposed to wealthier investors – always controlled that

<sup>6</sup> Brunt (1962) 84, (1988) 273, with (1971a) 16–17.

<sup>7</sup> Hopkins (1978) 12, with flow chart. See Harper (2015) on the durable trope of latifundism.

<sup>8</sup> Brunt (1988) 256.

<sup>9</sup> Rosenstein (2005) ch. 3.

<sup>10</sup> Erdkamp (2005) ch. 1, Goodchild and Witcher (2010), Goodchild (2013).

<sup>11</sup> Horden and Purcell (2000) ch. 6. See also the possibility of intensive ley-farming at Kron (2000) and (2008). See also Hollander (2018).

capital, it testifies to an entrepreneurial approach to labour and production on even quite modest farms.<sup>12</sup> There is simply no reason to think that small farms were falling to wrack and ruin due to military service.

Similarly, the shift from many small farms to fewer latifundia has not emerged in archaeological survey. In 1998, Terrenato noted the survival of small farms around Volaterrae and pointed out that there were many incentives for local elites to preserve the agrarian regime on which their dominance was built.<sup>13</sup> And although survey is never unanimous, there has been little reason to accept that small farmers were disappearing.<sup>14</sup> The Pontine region shows little such change, while debate surrounds the ceramic record of South Etruria, which likely shows a downturn in the second century BCE, followed by a vibrant first.<sup>15</sup> The durability of small farms stands in contrast to doubts surrounding the vitality of large latifundia before the mid-first century. Hopkins posited that these estates were made profitable by the consumption of urban bellies, but, while it was no doubt possible for slaves to produce rivers of oil and wine, models show that this would only have led to glut and crashed prices: Italy could produce all the wine and oil it needed on an amount of land that was “no more than a footnote in Italy’s agricultural history.”<sup>16</sup> According to Jongman, just 1% of Italy’s arable land could produce a bottle of wine per day for 1.9 million urban Italians, and even less was needed to provide a generous 20 litres of olive oil annually.<sup>17</sup> And while there were mind-boggling numbers of slaves, they were also present on small and medium farms, and did not necessitate “plantations.”<sup>18</sup> Finally, Marzano has noted that, despite a boom in wine production in the Late Republic, it is almost impossible to find a farm that had more than two presses until a site like Settefinestre in the mid-first century.<sup>19</sup> There certainly were large estates in Italy (see below), but there is no evidence that tycoons bought out all the small farmers.

Regarding proletarianization, the sources are adamant that Marius abandoned the old property qualification for the army and enrolled the landless to supplement his existing forces.<sup>20</sup> That, however, was a temporary expedient that did not lead to some proletarian or professional army, or what Cadiou has dubbed “l’armée imagi-

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12 Bowes *et al.* (2021) esp. ch. 13 and 14. On “predatory capitalism,” van Oyen (2020).

13 Terrenato (1998).

14 Launaro (2011), Terrenato (2019) 218–219.

15 Pontine: Attema *et al.* (2011). South Etruria: Di Giuseppe (2020) 96–116 for second century decline, against Witcher (2008) 279–280.

16 Jongman (2003) 113–114.

17 See the similar conclusions at Rosenstein (2008).

18 Scheidel (2005), Rosenstein (2008) 5–7.

19 Marzano (2013) 90, though she is open to the possibility of a very low recovery rate (p. 100).

20 Sall. *Iug.* 86.2–4, Plut. *Mar.* 9.1, Flor. 1.36.13–14, Val. Max. 2.3.1.

naire.”<sup>21</sup> Instead it merely added a few thousand troops to his existing legions of land-owners. Some argued that this reform made little difference anyway, because the old property qualification had been so lowered as to be all but meaningless.<sup>22</sup> That, however, merely begs a separate question. Why would proletarian soldiers necessarily be less loyal to the community or more politically reckless than other legionaries? Why should lower classes necessarily equate to radicalism or revolutionary tendencies?<sup>23</sup> These proletarian troops have been slandered in the scholarship as “society’s trash” (*les déchets sociaux*) and “ne’er-do-wells”, “decisively influenced by personal considerations,” but Morstein-Marx has noted that, if our sources can be trusted, the likes of Cinna and Caesar appealed to the legionaries’ patriotism rather than greed.<sup>24</sup> Moreover, attempts to characterise the soldiers as “clients” of “patron” commanders do not withstand scrutiny.<sup>25</sup> There is no reason to think that the Late Republican army was full of proletarii, and it is not clear why we would assume revolutionary politics from it if it were. To make the issue even more obtuse, a large percentage of Caesar’s troops – including the Thirteenth Legion with which Caesar crossed the Rubicon – were recruited in Cisalpine Gaul; plenty of voters appear to have travelled from that area, but it is not clear that they could be imbued with the kind of “ideological monotony” produced by the rhetoric and semiotics of the capital.<sup>26</sup>

## The Disciplinary Chasm

The “conventional model” collapsed because its socio-economic scaffolding proved weak. The assault that undid it was part of a revisionist wave that swept the field and undermined many of the “primitivist” assumptions that the model shared with Finley.<sup>27</sup> Where once it was agreed that Romans were hindered by low productivity, inaccessible markets, negligible investment and stunted rationality, archaeologists and historians from the 1990’s produced data and reconstructions revealing a much more

<sup>21</sup> Cadiou (2018). See also Smith (1961) 44–47, Harmand (1967) 11–20, Rich (1983) 323–328, Keppie (1998) 70, Keaveney (2007) 24–28 and 93–95, Gauthier (2016).

<sup>22</sup> Gruen (1974) 367, Gabba (1976) 9–12, Rich (1983) 323–328, Brunt (1988) 253.

<sup>23</sup> Gruen (1974) 366, Cadiou (2018) 64–65.

<sup>24</sup> Morstein-Marx (2011) and (2021) 309–310, with Gruen (1974) 491–492. Quotes: Carcopino (1932) 117 (cited at Cadiou (2018) 276), Keppie (1998) 70, Brunt (1988) 259.

<sup>25</sup> Blösel (2019).

<sup>26</sup> The Thirteenth: Caes. *BGall.* 2.2, *BCiv.* 1.7.8, with Brunt (1971) 202. Cisalpine Gaul: Rafferty (2021) 140, Morstein-Marx (2024) 31–35.

<sup>27</sup> Finley (1999) (orig. 1973), with an introduction by Morris. Note that the model was already in place before Finley’s book was published.

vibrant economy.<sup>28</sup> Proxies emerged that attest to at least some kind of growth.<sup>29</sup> For example, ice cores preserve an increase in lead pollution during the early and mid-second century, before a prolonged collapse until the 60's BCE, and a recovery from then.<sup>30</sup> Much-discussed data on shipwrecks reveal a stark increase in finds from the second and first centuries BCE, which must surely testify to some increase in shipping.<sup>31</sup> Just how to interpret such proxies is never self-evident. Lead pollution, for example, is a proxy for silver production, since silver was smelted out of a lead alloy, and it reflects a boom in the minting of silver coins. In what ways, however, does an increase in coinage affect diverse sectors of the economy, and how in turn did they affect political instability?

So much of the rise in shipwrecks can be traced to activity between Gaul and Italy, where an extraordinary trade in wine and slaves boomed after the first Roman campaigns of the 120's.<sup>32</sup> Simmering trade in Latin and Campanian wine was overtaken by wine from near Cosa, on the coast of Southern Etruria. As Gaul filled with Roman traders and ships hauled millions of amphorae north in exchange for slaves, local production was transformed.<sup>33</sup> Amphorae were built on a scale that in turn necessitated a factory complex of enormous kilns in Albinia.<sup>34</sup> Most intriguingly for this paper, moreover, is the pattern of amphora stamps, which seem to show that certain producers had trading relationships with certain markets, and that the Domitii Ahenobarbi were central to part of this network: they owned land around Cosa, and their consul of 122 campaigned against the Arverni. In this case, political office led to military leadership, which led to production and trade activities that endured for generations.<sup>35</sup> There was more than politics at stake when a later Domitius Ahenobarbus was selected to replace Caesar as governor of Gaul, and when the two men clashed at Corfinium.

Was this slave-wine trade part of a broader phenomenon? It depended on a peculiar "revolution in demand" among the Gauls that was not replicable elsewhere.<sup>36</sup> Yet, hoards of Roman coins on the Danube attest to slaving booms there, and reports attest

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28 Regarding overviews, the shift was captured tentatively in Harris (2007) and enthusiastically in Kay (2014) esp. ch. 9.

29 De Callatay (2005), Scheidel (2009), Wilson (2009b), Verboven (2018), Terpstra (2019) 3–8, Saller (2022) ch. 1.

30 McConnell *et al.* (2018), Pavlyshyn *et al.* (2020).

31 Parker (1992), Wilson (2009a) 291–229 (and *passim* for proxies besides shipwrecks), Leidwanger (2017) and (2020) 110–153. A database of shipwrecks can be found at: [http://oxrep.classics.ox.ac.uk/data/bases/shipwrecks\\_database](http://oxrep.classics.ox.ac.uk/data/bases/shipwrecks_database) (seen 11.01.2025).

32 Tchernia (1986), Poux (2004), Loughton (2014). Useful summaries at Loughton (2009), Tchernia (2016), Laubenheimer (2013) and Fentress (2019).

33 Cic. *Font.* 5, Wilson (2009a) 227.

34 Vitali (2007) esp. 28–30.

35 Loughton (2014) esp. 383–395, Fentress (2019) 153–154.

36 Poux (2004), (2011).

to businessmen (including slavers) on Delos and financiers in Asia; by the end of the Republic, there were agriculturalists in Africa, oil producers and miners in Baetica, wool tycoons in Patavium and more.<sup>37</sup> Most telling, however, is the evidence for economic mentalities. As Tchernia notes, those who exported wine to Gaul were not mindless subsistence automatons who stumbled upon a market for their traditional production. Instead, they shifted away from the white wines of the Italian market to produce the blood-like red wine that the Gauls alone craved.<sup>38</sup> They sourced the financing, remade their vineyards, constructed the amphora kilns, built the ships, and maintained sprawling networks across the Tyrrhenian Sea, all to profit from the particular demand of a particular market. The trade itself may have been geographically specific, but the economic mentalities – and the integration of political and economic spheres – are more capacious.

Nor were those mentalities confined to the elite. In 2000, Horden and Purcell argued that the Mediterranean incentivised such entrepreneurialism across all classes, as farmers sought to reduce risk by diversifying and overproducing.<sup>39</sup> Storage was central to this, because it allowed production to smooth the interannual variability that plagued farmers; it changed the temporality of agriculture by separating the moment of production from the moment of consumption, and as such, it reveals to us the Roman perception of the future, of risk, of opportunity.<sup>40</sup> Commodities like wine thus “created clever landowners and enabled shrewd economic calculation.”<sup>41</sup> And importantly, there is every sign that even smaller landholders were, if they could source the capital, interested in demonstrating this economic vigour. Recent reconstructions of Late Republican Roman farms have sketched highly capitalised operations with such diverse buildings that they challenge the notion of a “dwelling” or what it was to “live” in a place: even modest farms featured a “taskscape” of stables, craft workshops, presses and more, across which families moved throughout the year.<sup>42</sup> Whether smaller farmers possessed the capital themselves or had to partner with wealthier investors, it is clear that these farms existed in a “layered web of local and long-distance, household and extra-household, coined and in-kind exchanges that

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37 Synopses are available in Kay (2014). Danube: Crawford (1977). Delos and Asia: Kay (2014) 189–212 with bibliography, Kallet-Marx (1995) ch. 5, Baslez (1996), Ferrary *et al.* (2017). Africa: Clear introductions at Kehoe (2020) 503–508 and Hobson (2022), with sources on the presence of rich Romans (e.g. Sall. *B.J.* 64.5, Caes. *BAfr.* 90, 97), though there are many uncertainties about the Roman presence in Africa in the Republican period. Baetica and Patavium: Strabo 3.5.3, Richardson (1986) 172–175, Domergue (1990), Ferrer Maestro (1994) with Carreras and Morais (2012) 427–431 on Atlantic trade.

38 Tchernia (2016) 295. Laub (2013) 102 shows that the Sestii near Cosa were making amphorae for fish sauce alongside their Gallic wine operations.

39 Horden and Purcell (2000).

40 On the notion of the future, Meier (1980) lv and Shaw (2019).

41 Van Oyen (2020b) 53. See the Republican increase in dolia production at Cheung (2024) 6.

42 Bowes *et al.* (2021) 462–469.

characterize every aspect of peasant markets.”<sup>43</sup> A pottery at Marzuolo, for example, seems to preserve both the striving bottom-up innovation of local small producers, and the kinds of elite investment and trade we saw around Cosa. Production was at first characterised by local farmers dedicating a proportion of labour to experimenting with ceramics, before a “predatory investor” took over and integrated the operation into the broader regional market for *terra sigillata*.<sup>44</sup> Farmers remained farmers, even as they built everything from claypits to brothels.<sup>45</sup> Erdkamp has noted that securing the grain supply from abroad created the security needed for increased risk-taking on non-food production, like ceramics or textiles or flowers or whatever else.<sup>46</sup> The examples could go on, but it is apparent that Romans of all classes were capable of spying opportunities, adapting production and profiting from market developments; these were in turn driven by high levels of consumption even among lower classes.<sup>47</sup>

This does not mean that the Romans were modern capitalists – Finley was correct about that. Instead, they were able to move labour and capital by leveraging existing social units like communities, kinship groups and families to scale up operations. Kessler, Temin and Van Oyen show how the conceptual unit of “family business” was woven into the imperial economy, while Terpstra has shown how community diasporas facilitated trade across vast distances.<sup>48</sup> These allowed trusted economic “agents” to operate abroad without modern corporate or legal structures that regulate fraud and corruption. Poorer labour could also move along market lines in ways that the conventional model did not envisage. Instead of farmers bound to multi-generational plots, choosing only whether to retain their small broken farms or move to the city, we see a long Italian tradition of seasonal migration for work and fluid mobility of peoples.<sup>49</sup> There were huge numbers of seasonal jobs in agriculture and urban portage that drew people from one area to another for short periods of time.<sup>50</sup> Women and children could earn extra income via occasional contracts for textile work.<sup>51</sup> The old vision of subsistence economics flattened historical matters of agency, of family dynamics, of regionalism and of so much more. In other words, a new model needs to situate the destabilisation of the Republic amid a more fluid, fast-paced economy than the “conventional model” had envisaged.

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<sup>43</sup> Bowes *et al.* (2021) 565.

<sup>44</sup> Van Oyen (2020a).

<sup>45</sup> Tchernia (2016) 11–12.

<sup>46</sup> Erdkamp (2015) 35.

<sup>47</sup> Bowes (2021) and (2022) 349–351.

<sup>48</sup> Kessler and Temin (2007) 319–320, Van Oyen (2020b) ch. 6, Terpstra (2013), with Aubert (1994).

<sup>49</sup> Horden and Purcell (2000) ch. 9, Carlà-Uhink (2017) 232–255, Isayev (2017).

<sup>50</sup> Temin (2004), Erdkamp (2015), James (2020) 184–192.

<sup>51</sup> Hawkins (2016) esp. 258.

All of this was, moreover, facilitated by two profoundly important structural transformations in the second century economy. The first was the explosion in slavery that occurred through the course of Roman expansion, but especially in the century and a half before Caesar crossed the Rubicon.<sup>52</sup> This obviously disrupted labour patterns, but also altered the demographic relationship between city and country, the patterns of social hierarchy and mobility, the forms in which wealth was held, the incentives for foreign wars and the dangers of the countryside in the face of potential rebellion. The second great transformation was the diffusion of Roman coinage throughout Italy, which in turn encouraged wage labour and the “retail revolution” of the second century.<sup>53</sup> This period saw the replacement of Italy’s diverse monetary systems with a single Roman currency, and the increase in silver coinage is no doubt a large reason why there was such lead pollution in the atmosphere.<sup>54</sup> Monetary unification and the diffusion of slavery in turn underpinned Italy’s overall economic unification, as markets, labour, capital and imperial exploitation all combined to overhaul the matrix of socio-economic identities across the peninsula.<sup>55</sup> Republican destabilisation must therefore be contextualised within the Russian doll politics of the Forum, the city and its hinterland, the old citizen belt of Central Italy and the wider assortment of Italian communities.

All of this focus on monetary systems, markets, proxies, cliometrics etc was part of a revolution in the study of Roman economics. The benefits have been enormous. Yet, as Bowes has noted, the motivation of so much purely economic research was less to situate the Roman economy alongside other sectors of Roman history than it was to situate the Roman economy in comparison with other (premodern) economies. Though archaeology has kept its eye on small farmers, her lament that research trends have overseen a “widening chasm between the practices of ancient social history and of ancient economic history” is precisely the same point that needs to be made here regarding Late Republican politics.<sup>56</sup> Meanwhile, as economic history became more dislocated from social and political history, political historians responded by becoming less and less materialist in their methods, so that the conventional model was never replaced with a similarly economic vision. Approaches were (and became increasingly) focussed on “the communicative turn,” “political culture” and the “symbolic dimensions of social action.”<sup>57</sup>

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<sup>52</sup> Scheidel (2005).

<sup>53</sup> Ellis (2018) ch. 4, with Stannard (2005) for astonishing evidence of demand for small denomination coins.

<sup>54</sup> Crawford (1985) remains fundamental. For an overview, Burnett (2012).

<sup>55</sup> Roselaar (2019).

<sup>56</sup> Bowes (2021) 9. See also the brief farming of the debate at Harris (2007) 512.

<sup>57</sup> For historiographical overview, Santangelo (2021) and Yakobson (2022). For the role of structure in various theses of “inevitability,” see Walter (2009) and Jehne (2009). “Communicative turn”: Jehne (2010). “Political Culture”: Hölkeskamp (2010) ch. 1–2 and (2022), with Arena *et al.* (2022); for a stimulating critique of the prevailing scholarly discourse on Roman republican political culture: Machado

Meier's identification of "political grammar," the "evolved/organic constitution" and the "crisis without alternative" broke new ground and yielded insights that the field is still grappling with, yet its legacy was surely not one to encourage further analysis of the Late Republican economy.<sup>58</sup> Central to Meier's point was that Romans lived in a cultural "monism," which rendered pointless the separation of the political sphere from the economic, the domestic, the sexual or any other sphere, and yet, despite a brief discussion of land allotments for veterans, his eye was still drawn more to "ethos" than economics.<sup>59</sup> That is not to deny that Meier's focus on the abstract was productive; it found successors in the wonderfully valuable approaches to aristocratic "Jovialität" (affability), popular "Gehorsamkeit" (obedience) and a capacious "political culture."<sup>60</sup> On a methodological level, however, this "school" demonstrated a kind of cultural maximalism, a conception of Romans – and humans more broadly – more as the accumulation of cultural concepts than as manifestations of a species with some kind of common reason or set of material needs. The "structures" that guided behaviour and decisions were not poverty or profits, but "naturally" (*selbstverständlich*) the *mos maiorum*.<sup>61</sup> This world of ideas, with a delineated "mental horizon" of sense-making, is a far cry from the universalist approaches of, say, rational choice models or economically maximising models.<sup>62</sup> In that sense, it does not sit easily with some (though not all) of the theoretical bases used by recent economic historians. Meier and his successors could have taken Roman cultural specificity and paired it with the idiosyncratic economics of the period, focussing on the question of how a relatively unchanging set of Roman mentalities interacted with a rapidly changing economy.<sup>63</sup> They could also have considered political developments in light of a scholarly focus on innovation in religion, art, architecture, law and literature. That they have tended instead to prioritise conservatism leaves scope for further research.

Against this can be posited a more culturally minimalist – or at least less maximalist – set of approaches. An alternative "school" argued that the Roman constitution necessitated democratic participation, which in turn necessitated the democratic reasoning of rational citizens as seen throughout history. Examining Roman public spaces and literary sources, Millar's "democratic" assault on the field in the 1980's treated voters not as uniquely "obedient" Romans, but like those of any other society,

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(2024); "Symbolic dimensions": Geertz (1973) 30, cited at Hölkeskamp (2022) 7. Cf. also Arena *et al.* (2022).

<sup>58</sup> Meier (1980).

<sup>59</sup> Meier (1980) xxii–xxv, lvi.

<sup>60</sup> Hölkeskamp (2010) and (2017), Jehne (2000), Flaig (2003). See also Walter (2004), Lundgreen (2011) and (2014) and Russell in this volume.

<sup>61</sup> Walter (2009) 38.

<sup>62</sup> Compare Acemoglu and Robinson (2006), who argue that preference for democracy "should be modelled as a game" according to game theory.

<sup>63</sup> Instead, Meier (1980) 68–69, searching for interest-based conflict, denied that economic issues could impact politics.

weighing arguments and evidence to decide in favour of one proposal or another.<sup>64</sup> Yet, while Millar did repeatedly highlight the voters' interest in issues of public finance and profit, he did not go as far as the conventional model did in embedding political dynamics – for Millar, the popular weighing of issues – in the unique economic and changing circumstances of this or that period.

The conventional model – especially in the hands of Brunt – was the one that most explicitly sought to examine changing politics within a context of changing socio-economics, and assumed that no amount of acculturation could override the universal human understanding of dearth. Brunt was no Marxist, but he did assume that Romans' capacities to perceive their circumstances were as affected by material conditions as those of any other people. He was right to focus on the particular economics of the age as he saw them, but much of how he saw them has had to be abandoned. The misalignment between his vision of the Roman economy and that sketched by recent research again means that there is plenty left to be explored.

The goal here is not to disdain this or that school, each of which has added enormously to our understanding of the Roman Republic. Instead, the goal is to contextualise political analyses within historical economics and socio-economics. There is still a great deal of scope for such an endeavour. Most importantly, there is a need to develop ways of analysing political developments and mentalities alongside economic developments and mentalities, ways that will appreciate both the cultural idiosyncrasies of Roman politics and the economic behaviours that have been illuminated by economic historians.

## ***Qui Ambulabant Dormientes* – Rome's Sleepwalkers**

The Republic's destabilisation is too complex and too labyrinthine for there to be just one question. And even if one could select a single question, it would still face the textured and dynamic landscapes of class, of regionalism, of generations and of political differences, not to mention the problem of finding evidence for such under-represented groups as, say, rank and file soldiers from Lucania or Umbria or Cisalpine Gaul. The truth is, there are many questions, which themselves have to be asked differently for different contexts.

Or are there not? Gruen argued in 1974 that the Republic's end was not due to destabilising factors in the socio-economic firmament: "politics, and nothing more, lit the fuse" of war in 49.<sup>65</sup> Morstein-Marx has recently built on this position, rightfully criticising the conventional model because it "downplays the significance of human

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<sup>64</sup> Millar (1998) and (2002).

<sup>65</sup> Gruen (1974) 487.

decisions.”<sup>66</sup> In essence, Roman politics had not meaningfully changed, they argue, but a set of personalities and circumstances just happened to align in catastrophic fashion. In that sense, these men who wrecked the Republic are reminiscent of Clark’s “Sleepwalkers” of 1914. According to that thesis, the leaders who took Europe into cataclysm were “watchful but unseeing”, such that “the outbreak of the war was a tragedy, not a crime.”<sup>67</sup> The fruit of this approach is a set of excellent, granular studies of how political actors – whether in First Century Rome or Twentieth Century Europe – drove events in a contingent set of moves and counter-moves. The critical role of politicians in choosing which doors to close and which to walk through comes into stark relief. This thesis deserves more attention than it can receive here, but I will use it to highlight several methodological issues.

The first lies in the framing of the question. Gruen builds towards the eruption of civil war, which “had not been the object of its participants.”<sup>68</sup> It must be noted first that this is, given the paucity of evidence about rank and file views, a terribly thorny argument from silence. It is true so far as our elite literary evidence attests, but we have absolutely zero evidence of how or how often troops in the Tenth or Thirteenth Legion sat by the fire and mused about making Caesar dictator. Caesar provides his own account of how he motivated the Thirteenth to cross the Rubicon at *Bellum Civile* 1.7, and Morstein-Marx has markedly improved how we see these decisions to march on Rome by showing how they fit the usual rhetoric of “patriotic” Roman citizens defending the Republic.<sup>69</sup> Yet, Caesar’s self-promoting text is obviously problematic; even if he had uttered the words, “let’s kill them all, steal their land and make me dictator,” he would hardly publish it that way. More pertinently, regardless of whether Caesar’s account is accurate (which I suspect it is), it says nothing about how the rest of his army construed those words. The speech as written preserves the “public transcript” of political discourse, and not only does it not reflect the “hidden transcripts” which the troops used in camp and on the march, it does not reveal how the two transcripts activated each other.<sup>70</sup> Within the context of the camp, Caesar’s speech intentionally or unintentionally cued all kinds of pre-existing discourse that we cannot access.<sup>71</sup> The absolute least that can be said is that, when Caesar’s autocracy became apparent, there was no mass protest from his troops, but nor was there protest when Caesar refrained from widespread redistribution of property (which, I confess, are themselves arguments from silence).

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<sup>66</sup> Morstein-Marx (2021) 605.

<sup>67</sup> Clark (2012) 561, 562.

<sup>68</sup> Gruen (1974) 492.

<sup>69</sup> Morstein-Marx (2011) and (2021) 605. See also Meier (1980) 22 and Levick (1982) on Sulla’s *polizeiaktion* in 88.

<sup>70</sup> Scott (1990) on transcripts.

<sup>71</sup> On the nature of such non-elite discourse, see Morstein-Marx (2004) 21–23, 229–231 and (2013) 30–32.

Let us accept, however, that the sources do reflect the thought processes of the people involved. The demand that “participants” possess consistent and articulated goals makes various strong assumptions about historical agency. More than anything, however, the emphasis on conscious decision-making has two profound effects. The first is that it sets conscious political calculation as the bar that a historical force must meet in order to be adjudged meaningful, and the second is that there is no attempt to dissect how these actors’ preferences or perception was affected by changing context. People who grow up and live in different circumstances perceive the world differently, make calculations differently and tolerate risk differently. So, even if it is right to lean the entire explanation on the calculations of the “participants,” it begs the question of what led these men to decisions and outcomes to which no previous Romans had ever been led. In his account of July, 1914, Clark, too, focusses on the contingency of decisions and decision-makers, insisting that the future was never inevitable. Far from denying that new constellations of pressures were imposing on his protagonists, however, he reconstructs how forces – from gender and class to Balkan instability and a “more demagogic” press<sup>72</sup> – shifted in the generation before the war. None of these preordained the war, but they changed the context of European decision-making: “it is almost impossible to see how a crisis in Austro-Serbian relations, however grave, could have dragged the Europe of 1887 into a continental war.”<sup>73</sup> The point is not to deny the importance of decision-making, but to understand the full array of bases on which these cataclysmic decisions were made and the dynamic historical circumstances that produced them. That is fertile ground for economic history.

This in turn leads to a second, critically important methodological issue: temporality.<sup>74</sup> Temporality runs through the thesis that there were no structural causes for the end of the Republic. Morstein-Marx urges us to avoid hindsight and teleology, and cites the “Hegelian coloring” that is indeed problematic in Meier’s biography of Caesar.<sup>75</sup> But “teleology” and “hindsight” are not the same thing, and “teleology” done badly does not mean that “hindsight” must be avoided. Leaving aside the obvious oxymoron of a historian without hindsight – and neither Gruen nor Morstein-Marx are guilty of making such a claim – we can see hindsight in the very titles of these books. Why write a biography of Caesar except that we know what he becomes? Similarly, what other than hindsight could bestow the adjective “last” onto Gruen’s “Last Generation”? It was the “last” because there was a series of generations that hindsight reveals to have ended with this one. I would argue that to focus on “hindsight” is to mischaracterise what these works do well, which is to employ especially fine temporal frames. The value lies in contextualising decision-making in the most immediate frame, in appreciating that time was experienced day by day and in focalising history

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<sup>72</sup> Clark (2012) 226.

<sup>73</sup> Clark (2012) 123.

<sup>74</sup> On temporality, the starting point remains Pierson (2011).

<sup>75</sup> Morstein-Marx (2021) 14.

through the agents themselves. That value is part of the methodological focus on autonomy and agency, since it prioritises the most pressing possible context in which decisions were made, and the information and “climate” that comprised that context. Those fine temporal frames are why these works are so illuminating and so valuable.

No methodology, however, is universally applicable, and the price here lies in the *medium* and *longue durée*.<sup>76</sup> Fine temporal frames avoid the teleology of the future and illuminate the decision-making of the moment, but they also struggle to incorporate the context of the past. Excellent for crisis political calculations, they are not suited to any but the most acute political and economic processes. They thrive on day-by-day or week-by-week analysis, such as those during the crisis of 50–49, but they cannot ask about long, grinding processes of change. In particular, they cannot accommodate change on a generational or multi-generational scale. The field of political history depends on these sorts of insightful, positive claims about detailed political process, and it can identify clear causal chains as a result.<sup>77</sup> It is no surprise, however, that such short temporal frames have less to say about socio-economic processes between 78 and 49, or 91 and 49, or 120 and 49, or 133 and 49, or 167 and 49 and so on. It is akin to sweeping a beach with a metal detector and concluding that there is no plastic. The frames are simply not designed to detect these longer, grinding issues.

Yet those issues are critical. From a comparative perspective, the great value of the Roman Republican case is that it had boasted through so many trials an unusual – bizarre and even unique – resilience. The Republic had successfully replicated itself across four centuries, and it is no easy feat to find another electoral state that lasts that long and then collapses without foreign pressure. Our case studies tend to involve quite young states that fell early or quite old ones that have not yet fallen. Moreover, as Runciman notes, once a system like this becomes “battle-hardened” as “the only game in town,” it is remarkably difficult to topple in any kind of “frontal assault.”<sup>78</sup> I would argue, then, that the question – as well as the value of the Roman case study itself – revolves around discontinuity; why did something that worked so well for so long cease to function? That in turn begs for a kind of intra-Roman comparative history. Acknowledging that the perception, passions and plans of leaders dragged Rome to civil war in 49, we need to ask what shaped those men – and those who followed them – such that they calculated in ways unfamiliar from the third or second centuries. This was something the “conventional model” appreciated. When compared with earlier iterations, what was it about the Late Republic that led to divergent outcomes? Brunt argued that it was the poverty of the troops, but this no longer holds water.

<sup>76</sup> Walter (2009) 39–40, n. 48, contrasting agrarian and political history, and p. 50 on the importance of Rome’s “*kurz Rhythmus*” of annual office.

<sup>77</sup> My thanks to Prof. Morstein-Marx for fruitful correspondence on causation as a driver of his method.

<sup>78</sup> Runciman (2018) 73, 107–108. He is referring specifically to democracy, but his emphasis on popular defence of the system is apposite.

Gruen, too, appreciated the challenge: “what converted the military, traditional defender of the state and architect of the empire, into an instrument of destruction?”<sup>79</sup> That question, however, demands large and flexible temporal frames, ones that can expand and contract like an accordion, so as to appreciate both what was happening in the fast-paced action of political combat, and what had changed in the socio-economic context. It needs to show how the motivations of all parties could result from long legacies but could also change very quickly in moments of crisis. Again, Clark offers a model. The Great War was not inevitable, he argues, but careful study can identify how two decades had changed the perception of risk by accumulating incentives, fears and obligations in specific patterns that had not existed before. Though the events of July 1914 were indeed contingent, they sparked a conflagration because of the pressures and possibilities that had developed in the preceding years. The July Crisis may have unfurled quickly, but appreciating it requires both the granular analysis of politics in the moment and the widening to multi-year or even decadal frames to grasp context. They may have been sleepwalking, but why were they dreaming those specific dreams?

## Blueprints of Bridges

There is no single bridge across the disciplinary chasm and many routes will need to be explored. In the absence of a smoking gun pointed at the Republic, there are open questions about which years and which people demand analysis? These are in many respects sub-questions of a larger methodological dilemma: what is the historian’s tolerance for longer causal chains? Tilly’s explanation of the modern nation state, for example, identified centuries-long fiscal and military forces which participants themselves could not necessarily perceive, whereas Taylor’s “The Origins of the Second World War” devotes all but one chapter to the comparatively brief interwar period, and Clark’s “Sleepwalkers” focusses predominantly on the 37 days before The First World War began.<sup>80</sup> As ever, then, periodisation is thesis: does the story begin in 63, or in 78, or in 91 or in 133, or even in the “Forerunners of the Gracchi”?<sup>81</sup> The answer to that question will determine a great deal. Gruen’s thesis necessarily focusses attention on the final years before civil war, but I for one cannot look at the Republic’s last eight decades – the assassinations, The Social War, the first civil war, the Lepidus and Catilinarian uprisings, the mega-provinces of Pompey and Caesar, the urban violence, the failed elections and sole consulship of 52 – and conclude that they were not symptomatic of deeper problems which themselves require analysis of the Late Second cen-

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<sup>79</sup> Gruen (1974) 366.

<sup>80</sup> Tilly (1990).

<sup>81</sup> Taylor (1962).

ture. I am not sure that the Last Generation can be explained without the three generations before that.<sup>82</sup>

Moreover, when it comes to economics, class will also shape a thesis. For example, a strength and a limitation of the “conventional model” was that it located discontinuity in the peasant soldiery, and so it isolated one class as the variable. But if the proletarian soldiery was the variable, does that mean that the elite was unchanged? If so, the thesis seems to assume that earlier leaders would have marched on Rome, if they had trusted the troops to do so. For what it is worth, Polybius tells us that Scipio Africanus could have had “royal power” in any land he chose, but this remark was spurred by the acclamations of foreigners and not of Romans themselves.<sup>83</sup> If he had ordered his veterans to march on Rome, would they have done so? The troops themselves likely did not know how they would have responded to that scenario, but it matters that Scipio never tried it. Dentatus had armed bands, there is an odd story of an Appius Claudius Russus attempting a coup, and the Fabian dominance of the fasti in the 480’s looks suspicious, but there is nothing that approaches the dictatorships of Sulla or Caesar. If the proletarianization of the army was all that mattered, then we are left wondering what changed among the elite. On the other hand, if we focus solely on elite politics, then the implication is that troops in the Middle Republic would have ended the Republic if a sufficiently charismatic leader had ordered them to. It is interesting, however, that the only confirmed case of the army marching on Rome was in 342, and the sources have no idea who the leader was.<sup>84</sup> This was an army demanding improvements in its conditions, even if it also secured a permanent plebeian claim to the consulship. A sensible model surely has to examine not only the leaders and the led – and the intersecting groups within and between them – but the dynamic that bound them to each other and that bound each to the broader socio-economic conditions.

In what remains, I will sketch some approaches that link economic and political developments over time and I will proceed group by group, beginning with the peasantry. Whether one focusses on the army depends on how one views its role. Gruen argues that the army of 49 was no more rebellious than earlier iterations, though with one exception he limits comparison to the short period since the Social War.<sup>85</sup> The limitations of his comparison matter little, however, because he does not see them as infused with any ideology or political cause beyond personal loyalty: “the rank and file followed their leaders, just as they had done through most of Roman

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<sup>82</sup> Jehne (2009) 156.

<sup>83</sup> Polyb. 10.40.7.

<sup>84</sup> Livy 7.39–41 (with 7.42 for Livy’s extended admission that his sources were opaque), Dion. Hal. 15.3.

<sup>85</sup> The exception is the Sucro mutiny in 206 (Polyb. 11.26–30, Livy 28.24.5–29.12), which was a dispute about pay rather than an assault on the political regime.

history.”<sup>86</sup> That claim is critically important. If it is right, then a large part of the socio-economic story can be ignored, since the peasants had no agency and their economic circumstances are irrelevant. And there is good reason to believe this. Contrast the outbreak of war in 49 with the outbreak of the Spanish Civil War in 1936. In the latter case, towns, villages and families were ripped apart because combatants picked sides according to their politics and ideology; in 49, however, we hear nothing of such sorting and it seems that most soldiers simply served for whichever leader came by and mustered the young men. Or, alternatively, the men were suffused with ideology, but the means of dragooning troops were so coercive that they were given no choice; plenty of leftist Spaniards were forced to serve and die in Franco’s army.<sup>87</sup> Moreover, there is one precious source that sheds light on how the troops saw civil war. The Sertorian War in the 70’s and the Perusine War in 41–0 resulted in lead sling bullets (*glandes*) being scattered all over the countryside.<sup>88</sup> The *glandes* from Perugia frequently reference the names and personalities (and gender) of the leaders, but contain nothing in the way of ideological markers of this or that cause. Interestingly, the *glandes* from the Sertorian War contain more abstract concepts such as *pietas* and *ius*, but even these either alluded to leaders (*pietas* for Metellus Pius) or were universal virtues that could not distinguish antagonists; this was not “Labour” versus “Capital,” “South” versus “North,” “Catholics” versus “Protestants” or some configuration of “Communists,” “Republicans” and “Nationalists.” After all, one can oppose communists, but it is hard to oppose virtues like *ius* or *fides*.

From that perspective, the peasantry does not matter because they were not motivated by their own situations. On the other hand, locating the peasantry in its economic context could reveal a more diffuse mentality of instability, of change, of risk and opportunity. While the effects of political stability on economic growth is well studied, the reverse is less so.<sup>89</sup> A “good growth hypothesis” expects an economic uptick to cement the status quo via approval for leaders, but the evidence for this is weak; alternatively, a “destabilising growth hypothesis” argues that “growth generates complex change in society, and therefore instability.”<sup>90</sup> The accelerated economy of the Republic’s final century destabilised politics in part because it destabilised social networks and arrangements – social orders<sup>91</sup> – but also because it destabilised

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<sup>86</sup> Gruen (1974) 497.

<sup>87</sup> At the conference that spawned this volume, Professor Pina Polo related the tragic story of his uncles, each of whom were forced to serve in Franco’s army despite favouring the Republican cause. Neither survived.

<sup>88</sup> Hallet (1977), Berdowski (2014).

<sup>89</sup> Alesina *et al.* (1996), for example, discusses the increased likelihood of a coup in periods of low growth, but has a lot more to say about the effects of stability on the economy.

<sup>90</sup> Paldam (1998).

<sup>91</sup> North *et al.* (2009) 1: “Social orders are characterized by the way societies craft institutions that support the existence of specific forms of human organization, the way societies limit or open access to those organizations, and through the incentives created by the pattern of organization.”

the culture's approach to risk and reward. We see this in small farmers experimenting with kilns and capitalising their farms, in entrepreneurs investing in retail space or overseas investments, in tycoons establishing slaving operations or tax collection on the scale of a moderate Hellenistic kingdom. Scholars can argue about Romans' resistance to reform of the constitution, but recent monographs such as "Italy's Economic Revolution," "Rome's Economic Revolution" and "Rome's Retail Revolution," assure us that such obstinacy was not a feature of the economic sphere.<sup>92</sup> This way of perceiving and grasping the future was always there, but empire and the influx of capital made it broader and more aggressive in the Late Republic than in earlier periods. This shifts the focus away from the final stage of destabilisation – i.e. civil war – and looks more broadly at the longer period from the Mid-Second to the Mid-First Centuries. This perspective examines not only the final eruption of war, but the increasingly turbulent and novel politics from the Gracchi to Caesar and places it in its proper socio-economic context. It also avoids the problem of isolating one class as a variable amid a set of unchanging others. It instead posits that political life could not be insulated from the mentalities of innovation and disruption that were transforming economic life. Far from Meier's "monism", the final century of the Republic saw political and economic institutions become less "isomorphic" – that is, the norms that governed one were increasingly distant from those that governed the other.<sup>93</sup>

That economic context was probably one of growth and growth tends to increase inequality. This process is increasingly understood to be a default setting for societies, but Lavan and Weisweiler note that inequality is especially prevalent wherever partible inheritance is practiced, since it widens the gap between estates that are fragmented among many heirs and those that are consolidated in one or two.<sup>94</sup> That process only increased with the proscriptions. Inequality in turn causes status competition, as people frantically try to maintain their rank while others pull ahead: after all, "if the Joneses do not move, nobody has to keep up with them."<sup>95</sup> It affected the elite, who were enriching themselves at a frightening rate, but also the peasantry.<sup>96</sup> The "conventional model" assumed a norm of miserable small farmers, whose main alternative to their broken farms was urban landlessness. The more vital portrait of rural economics that has emerged from recent archaeology instead shows a world fixated less on abject poverty and more on the quest to seize opportunities. New accumulations of capital and labour encouraged even peasants to diversify and invest, such that the status quo did not hold the appeals that it once did. Maintaining

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92 Cf. Meier (1980) xv: "Widerstand gegen alle Reformen." More broadly, see Vervaeke, Dart and Rafferty in this volume.

93 Isomorphism: Meyer and Rowan (1977).

94 Lavan and Weisweiler (2022). On default inequality, Piketty (2014), Scheidel (2018).

95 Koedijk (2022) 155.

96 Elite: Tan (2017) ch. 1.

a place in this relatively dynamic context must have had enormous implications for both class and status concerns.

Teasing out the causation here is not easy, and it lacks the satisfying clarity of the “conventional model.” Status was, however, central to the Roman perception of the world and it remains a promising avenue of inquiry, especially as regards the equestrians. Consider fiscal change. The end of *tributum* in 167 reassigned bargaining power in society because it ended the regime’s reliance on citizen landholders to pay tax; moreover, that tax was managed by an elite group – the *tribuni aerarii* – who shouldered the burden of collecting and distributing the money to the troops. This system was a lot of work, but it offered huge sociological advantages. It offered rich men a chance to perform visible service to state war making without having to run for office and sit in the senate; just as consuls led armies and *tribuni militum* led legions, the *tribuni aerarii* managed the fiscal side of the army. When *tributum* was abolished, however, they lost that high status role. How could they get it back? It is noteworthy that the rich men who agitated in the 120’s to replace senators on public horses and on juries were the same ones who had previously derived status from their role as *tribuni aerarii*.<sup>97</sup> It is also no coincidence that, when the conflict was finally resolved under Augustus, prominent and powerful roles were instituted for this same demographic. The wealth of the equestrians made them more conscious than ever of their status claims, yet imperial wealth had led to the dissolution of their old fiscal role.

This new tax system put this same class in the heart of a terrible new tension. If the *tributum* system had made the state dependent on taxpayer compliance, whose cooperation was required for the new tax system? The establishment of provincial revenues and indirect taxes had to be managed by two groups above all else: equestrian contractors and local elites around the Empire.<sup>98</sup> Their interests, however, were diametrically opposed. In some instances, locals collected tribute and handed it over to contractors to convey, while in others, equestrians served as *portorii* collecting tolls and duties, and in others again (Asia most notably) we find equestrians collecting direct taxes from local landowners. The variation was dizzying. In almost all, however, the same dynamic applied. Equestrians sought to extract every drop of revenue possible in order to make good on their contracts, while local elites sought to pay as little as possible to keep their wealth at home. That tension had to be managed by the senate and, in particular, by governors. In that light, it is no coincidence that the first standing court was established to investigate provincial extortion, nor that the first juries the equestrians occupied were in that same jurisdiction. Balancing the claims of provincials and equestrians was an unavoidable part of the fiscal model, even if it is not a focus of the sources. If local elites around the empire refused to comply with

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<sup>97</sup> Tan (2022).

<sup>98</sup> Santangelo (2007) 25–26 and 112, with Günther (2023) 148 on the eventual division of labour between these group during the Empire.

Rome's tax collectors, or if equestrians, whose tax collection made them the "cornerstone of all other orders," refused to manage the system responsibly, the state would grind to a halt.<sup>99</sup> The divergent interests of these two critical – yet in many respects disempowered – groups should be seen as a destabilising force.

If there is just one feature of the Roman economy which the "conventional model" underappreciated, it was the place of the provinces – the rise in shipwrecks is probably indicative of this. Understanding the provinces' role in the economy is, therefore, crucial. Consider the Domitii Ahenobarbi – or their neighbours, the Sestii – who were trading wine in Gaul. They embedded themselves in certain parts of Gaul from the late second century for several decades, but as the many traders built their networks, they set patterns which did not always fit with the ephemeral political networks that governors constructed. To the extent that Meier's "monism" was part of Roman political stability, it was perhaps first lost among Romans living abroad. There, the governor and his staff came and left every few years – or in much of Gaul, which was beyond the provinces, never showed up at all – whereas the Roman businessmen existed purely in long-running economic networks. Again, temporality is critical. Roman provincial government ran on a *tabula rasa* created every one to three years as a new governor arrived, but that was out of sync with the abiding economic presence of traders or financiers embedded in these areas.<sup>100</sup> For provincials, to know a governor was to know him for a couple of years; to know a Roman businessman could be a multi-generational prospect. Over time, economic networks wove their way into the provinces in ways that state networks could not. As that happened, the role of the provinces, the nature of imperial exploitation and the relationship between equestrians and the state necessarily changed. There are good military and political reasons why the civil wars of the 80s and 40s were sparked by questions of who would control rich provincial areas like Asia and Gaul, but it is naïve to doubt that businessmen in these areas – whether senior politicians like Caesar and Domitius Ahenobarbus or traders and bankers unnamed by our sources – were fighting hard to protect their investments and were active political combatants. Is it any surprise that wine exports from the Domitii and Sestii did not survive Caesar's Gallic command? Domitius fought against Caesar's Gallic command not just for politics, but for the survival of his extraordinary trading and slaving empire.<sup>101</sup>

Provincial economics also had an enormous impact on Italians, whose Social War was "not just a paroxysm of violence in the heart of the homeland. It was a trigger for decades of internecine violence that were to follow."<sup>102</sup> As Shaw notes, the boundary between Romans and Italians blurred while living abroad as privileged entrepreneurs, which can be seen in various regions, but nowhere more clearly than on

<sup>99</sup> Cic. *Leg. Man.* 7.17.

<sup>100</sup> Supra n. 76 on the rapidity of Roman political temporality.

<sup>101</sup> Loughton (2014) 462.

<sup>102</sup> Shaw (2023) 180.

Delos.<sup>103</sup> Though privileged while out of Italy, however, Italians were categorically distinct from the Romans when they came home, when they served in the army, or when they engaged in the pan-Italian but non-Roman practice of constructing large theatre sanctuaries.<sup>104</sup> Italians served in the army since the fourth century, but it was with the boom in second century trade that the ambiguities began to cause trouble.<sup>105</sup> Where the military relationship had been clear, the commercial ones were more ambiguous, more fluid, more context-dependent and more destabilising. Provincial economics could be a profitable, beneficial but also disruptive force in Roman-Italian relations. And when it comes to the internal comparative history referenced above, there can be no starker difference between Caesar's Generation of Romans and all earlier ones than the inclusion of millions of Italians who had recently been enfranchised but who had little to no attachment to politics in the urban centre.<sup>106</sup> Soldiers from Latium might have lamented the age-old franchise after it was lost in the 40's, but what did those new citizens on the Italian periphery care?<sup>107</sup> Autocracy proved sticky after 46 in part because so many Italian – and eventually provincial – soldiers had little interest in returning to a system that granted those living in and around Rome disproportionate power in electing each year's leaders. They engaged in a pan-Italian army and a pan-Italian economy, but, when it came to political participation, there was always a proportional advantage for those living in the centre of Italy. Ominously, so many of Rome's new citizens in the 60's and 50's must have become accustomed to their new citizenship primarily in the camp rather than the Forum.<sup>108</sup>

In the end, much depends on what the various actors wanted. The “conventional model” saw Sulla and Caesar as wanting power, and their troops as wanting material rewards. The “sleepwalkers” thesis viewed elites as motivated by pride and short-term political calculations, with troops following traditional political ideologies (whether of Gruen's personal loyalty or Morstein-Marx's *mos maiorum*). What would an economic focus reveal instead? Acemoglu and Robinson have argued that democracy and autocracy are the mechanisms for securing elite and non-elite economic preferences over the long term, as democrats seek to cement the political means to redistribute wealth. There is little evidence that any Roman was advocating for a specific political regime in order to secure economic interests, but it could well be argued that the elite's ultimate acceptance of autocracy was due to its being preferable to the

<sup>103</sup> E.g. *ILS* 866, with Hasenohr (2007) and the “epitome” at Hasenohr (2021). See also Santangelo (2007), but esp. 25.

<sup>104</sup> Sanctuaries: Coarelli (1983), Gros (1996) esp. 51–52, Wallace-Hadrill (2008) 111–116, with D'Alessio (2016) and Carini (2016) with further references.

<sup>105</sup> Roselaar (2019) ch. 5.

<sup>106</sup> Scheidel (2006) on the increasing proportion of citizens living far from Rome. The bibliography is enormous, but a range of approaches can be found at Mouritsen (1998), Jehne and Pfeilshcifter (2006), Bispham (2007) and Hölkeskamp *et al.* (2019).

<sup>107</sup> Meier (1980) 190.

<sup>108</sup> Blösel (2019) 209–212.

chaotic and more distributive politics of elected “populares”.<sup>109</sup> It may be more fruitful, however, to eschew “goals” and to look more at the unravelling of the status quo. The century of great wars from the 260’s to the 160’s had a strengthening effect, because, as Runciman has noted, war tends to prove that everyone is working on the same team, which in turn suppresses the common tendency to assume that most of us “are being screwed over” by elites.<sup>110</sup> As elite competition added rapid enrichment to the old obsessions of war and politics, there erupted a populist rhetoric of corruption, as seen in the speeches of C. Gracchus and charges of bribery in the Jugurthine War.<sup>111</sup> It was this period that witnessed the terrifying norm cascade from 133 to 91, and then from 91 to 78. Economics also raised the stakes of conflict. To the extent that the Republic’s failure required the end of “forbearance” and “mutual toleration,” the importance of agrarian reform, of control of politics, of access to public resources and contracts can only have meant that economic actors were less and less willing to lose political struggles.<sup>112</sup>

## Conclusion

In the course of the 40s, soldiers became brazen in demanding material rewards.<sup>113</sup> That, however, seems to have been a development from within the time of the conflicts, and at no time before or during the wars does it seem that either side represented a materialist ideology, cause or agenda. Yet, the absence of a conscious economic discourse does not mean that the politics occurred in a socio-economic vacuum. A proper appreciation of the Republic’s fall – both in the prolonged political tumult of its final century and in the acute crises of civil war – must locate it in that materialist context.

The debates here represent in many respects a philosophical cleavage about autonomy. The most economically minded scholars prioritise a rationality that is human but not specifically Roman, one that drives people to evaluate circumstances and choose paths that deliver the highest rewards. At the other end of the spectrum, scholars see Romans who perceive and respond to the world through cultural concepts; they play politics according to Roman norms and values, quite isolated from the universal materialist concerns of economic historians. The way forward for both archaeologists and historians no doubt lies in the middle. It asks both how actors balanced

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<sup>109</sup> Acemoglu and Robinson (2006).

<sup>110</sup> Runciman (2018) 109.

<sup>111</sup> Gell. 15.12.2, Plut. *C. Gracch.* 2.5, Sall. *Iug.* 15, 29.

<sup>112</sup> Levitsky and Ziblatt (2018) ch. 5.

<sup>113</sup> The locus classicus is App. *BC* 3.40–48, and especially the laughter of the troops at 3.43. See also 3.86.

cultural and material pressures, as well as how culture and the economy shaped each other. Moreover, recent economic research has provided a wealth of insights into Roman mentalities and practices, into approaches to risk and the future, and into re-jigged networks and modes of production. These are, I contend, as central to society and culture as are the matrix of virtues and exempla that constitute the *mos maiorum*. Incorporating them will not, however, be easy. It will require focussed attention on the peasantry, the senatorial elite and every group in between, from the Palatine to the provinces. When it comes to the end of “forbearance”, the high stakes of economic interests should be seen as part of the problem for all groups. That is a long road, but one well worth embarking on.

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Tom Hillard and J. Lea Beness

# Alternative Visions and Fractured Allegiances: The Role of Disillusion, Alienation and Disengagement in the Late Roman Republic

**Abstract:** In *The New Despotism* (2020), John Keane explored middle class complicity in the rise of authoritarian governments, the trade-off being the voluntary servitude of that class in exchange for comfort and security. This chapter explores parallel phenomena in Late Republican Rome: the role of communal compliance with authoritarian solutions to political impasse; more importantly, the general disinclination (and/or sense of inability) to contest the loss of political freedoms; and, most significantly, a resultant disillusionment with public life, manifesting in a debilitating ‘fractionalism’ which paid ever-decreasing deference to shared values or willingness to engage in a non-violent manner with alternative thinking. The result would be the Augustan primacy (in effect, the death of what modern scholarship defines as the *libera res publica*, the Free Republic). Episodes from the 160s to the 50s BCE illustrate the development of such collective and individual dispositions, and expose the growing alienation(s) of the broader community and, we would argue, a crisis of confidence that might be discerned *within* the political elite. Special attention is given to the mounting political disenchantment evident in the 50s, particularly the escalating incivility of public discourse and the signs of pessimism in Cicero’s *De Re Publica*.

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**Note:** We would like to thank the three editors for their invitation to join a stimulating and broad-ranging symposium with lively exchanges. What would have been two papers here becomes one.

The paper was written long before the unfolding events in New York in May 2024, resulting in a former American President becoming the first to be found guilty on criminal charges by a unanimous New York jury (May 30<sup>th</sup>) and the clear demonstrations, both before and after that judgment, of a broad disregard for the judicial process (based principally on party political allegiances and ideological differences). This resonates greatly with our section on ‘The Erosion of Trust.’ On November 5<sup>th</sup> of that year, during the week in which the final draft of this paper was submitted, a clear majority of voters judged that the shadow of adverse judicial findings was not of overriding consequence in determining political sentiment and alignments. This does not shape appraisal of the factors at play in Rome in the 1<sup>st</sup> century BCE, but it adds perspective.

## Introduction

John Keane's analysis of 21<sup>st</sup>-century 'despots' (2020) turns the spotlight on those who accept the loss of a republic or democracy. This chapter explores reasons why the Roman Republic (to use that label in the modern sense of a system of government)<sup>1</sup> was not defended more rigorously against its antithesis; i.e., the rejection of political plurality and the ideological dispute typically accompanying that plurality (as seen in the enforced deference to a prevailing power at the expense of personal political freedoms).<sup>2</sup> One of our answers to that inferred question will be to highlight the divisions, adversarial engagement,<sup>3</sup> and disengagement that subverted the bonds of community and the degree of disillusionment to be discerned at its most elite social levels.<sup>4</sup> Was

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1 The term is also used to define a period with more-or-less clear *termini*. While it is perfectly legitimate to discuss the fate of what modern scholarship calls the Republic, the remembrance of which was to play such an importantly inspirational role in later European history as an anti-monarchical model, Romans would not instinctively have used the formula *res publica* to signify either that period or a specific form of government. (Rome was a *res publica* under the monarchy; Cic. *Rep.* 1.42). It is seemingly mobilized in the 'modern' way by Tacitus, at *Ann.* 1.3, to jolt the reader (playing with the same theme at 13.28), but even this view of Tacitus' retrospective vision is challenged; Stanton (1988). The first thing to do, as Louise Hodgson urges ([2017] 2–3; cf. 1–20), is to detach the labels *res publica* and Roman Republic. As Claudia Moatti puts it ([2018] 7), "the Romans did not know that they were living in a Republic"; cf. 7–64. None of the above is to deny the polysemy of the Latin term (cf. Mouritsen [2017] 3, on the definition of the *res publica* as "shared public interests"). If we may trust Servius (*ad Aen.* 2.157; 8.1) to have preserved an authentic archaic tradition, an individual, in the face of a clear and present military threat, might put himself forward as Leader calling upon anyone who wished 'the state' to be safe (*rem publicam salvam esse vult*) to follow him. (We add the qualification with regard to authenticity because there is an 'Augustan' or post-Augustan contamination in Servius' treatment of this subject; cf. Linderski [1984] 76 n. 9.)

2 The apparent suggestion of listless passivity might understandably outrage readers, given the thousands who lay dead on the fields of Pharsalia and Philippi, Munda and Mutina (and on so many other fields of carnage), but the jaundiced eye of Tacitus saw no likely difference in the outcome if the battles fought on the first of those two killing fields, standing emblematically, had been reversed; the contention was for *principatus* (*Hist.* 2.38), a sour observation underlined — and interpreted — by Syme ([1939] 515). The "denial of legitimacy of political opponents" as a key indicator of authoritarian behaviour, alongside the encouragement of violence and the erosion of political liberties, is underlined by Levitsky and Ziblatt (2018) 23–24 (their grid of indicators is laid out by Vervaeke, Dart and Rafferty in this volume); cf. 62–67. The dangerous dance in which all parties to a political conflict might engage, by way of demonizing their opponents (Levitsky and Ziblatt [2018] 75), is, *inter alia*, underlined in this volume by Simonton, while the loss of mutual toleration and forbearance is also explored by Vervaeke, Dart and Rafferty and by Tan in this volume; cf. Levitsky and Ziblatt (2018) 118–144; 212–213. We elaborate on the point below.

3 See Pina Polo's chapter in this volume for more on dangerous political polarization.

4 By the 50s BCE, Rome would be classified, according to a modern rating system, as a low-trust society. Given the ingrained aristocratic ethos of fierce competition, it is difficult to gauge any decline in interpersonal trust. (On the extent to which the Republic remained a community based on facial recognition, see Rosillo-López [2018]; but to introduce the all-important division of class, 'recognition'

there, it might be asked, an insufficient commitment to the concept of a political system that pedestaled the value of a *civitas libera*, or an insufficient ideological commitment to its maintenance?<sup>5</sup>

## How Unifying Was a *libera res publica*?

In modern political thought, the word Republic is associated with freedoms; and Rome is (more often than not) taken as providing a constitutional *exemplum*, not without reason. Livy opens his second Book with the clarion announcement that, with Tarquin expelled, his narrative will henceforth deal with *liberi hinc populi Romani res*, an arrangement characterized by *annuos magistratus*, and the *imperia legum potentiora quam hominum* — the annuality of executive government and the rule of law more powerful than that of men.<sup>6</sup> That strong mental association manifests itself in the popular label *libera res publica* used to classify Rome's post-monarchical and pre-Augustan period. It is a term that, for convenience's sake, is often used in modern discussion, albeit that it was not used by Latin speakers at the time to designate a period or a given constitution. The adjective *libera* ('free') might be applied as one aspect of a desirable *res publica* (whether 'commonwealth', 'state' or 'arena for public affairs'), but it did not describe a particular State in time and place — and in applying such a formula, there was an equal inclination, in Ciceronian usage, to use the term *civitas libera*.<sup>7</sup> It is perhaps more appropriate to couch the investigation of popular allegiance(s) in terms of the community's cohesion.

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tended to be exercised primarily in one direction. See the exchange between Scipio Aemilianus and Ap. Claudius Pulcher; Plut. *Apophth. Scip. Min.* 9 [= *Mor.* 200C–D].) It is easier, in terms of the modern low-trust/high-trust gauge, to chart the decrease in shared ethical values. The erosion of public trust is, of course, an issue much exercising modern political analysis (see, e.g., Brooks [2020]; Bargsted *et al.* [2022]; Biddle, Gray, McAllister and Qvortrup [2023] 49–56; esp. 53–54 [6.4]) and is the focus of Hill's contribution to this volume.

5 The fact that Rome lacked a constitution does not signal that the Romans were incapable of constitutionalist thought. This has been amply demonstrated by Straumann (2016); cf. Hammer (2014) esp. 7–92; Atkins (2018a) esp. 11–36. And whatever the gap between the *de iure* and the *de facto*, the popular assemblies underwrote the notion (the mirage?) of “the Roman state as a community of free citizens” (Mouritsen [2017] 50); legitimacy was conferred by that community. For a helpfully succinct overview of the way in which Rome's public life functioned without a constitution; Gargola (2017) 3–7.

6 The standard reference points are Wirszubski (1950), Hellegouarc'h (1963) 542–565, Arena (2012) and Balmaceda (2020). And Tatum probes the topic of *libertas* in his contribution to this volume.

7 See, e.g., Cic. *Off.* 2.24; 3.83; 84 (emphasising the ignominy of a *civitas* [i.e., Rome] that had not only been *libera*, but dominating [*imperans*], being reduced to the status of servitude; see the discussion of this passage by Dyck [1996, 606–607]). See also *De or.* 2.33 on the powerful role of oratory in *omni pacata et libera civitate*. Similarly, Cicero, at *Prov. cons.* 6 invokes the importance of the *iuris dictio-nem in libera civitate* which L. Calpurnius Piso had allegedly abused by acting contrary to the laws and *senatusconsulta*; cf. *Mil.* 13–14; *Ad Brut.* 1.4a [SB 11].2. This was a descriptor that might apply to

It is certainly worth asking whether the notion of *libertas* would mobilize people to the defence of the Republic. Clearly, there was a school of thought that advocated the trimming of political freedoms in the interest of ‘good government’. It came to a head in the late 50s (when the desirability or otherwise of the Dictatorship was being canvassed)<sup>8</sup> — and had, it seems, been bruited before.<sup>9</sup> At about the same time, Cicero would embrace the idea that certain members of the elite in 129 (in the aftermath of the first Gracchan crisis and in the light of ongoing instability) had contemplated that desirability.<sup>10</sup> Sulla’s seizures of power, initially professed to be solutions to political instability,<sup>11</sup> might seem to be acts of force (requiring no preparatory persuasion). Outright intimidation and terror were the mode, even when declarations were being

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any number of other communities, see, e.g., Cic. *2Verr.* 4.24; *Flac.* 70 (Rome is seen simply to enjoy a *res publica* that is freer than any other [*quae est una maxime et fuit semper libera*]); *Scaur.* 45; *Rab. Post.* 22; *Phil.* 1.4–5. At *Mil.* 93–94, Cicero speaks for Milo who, facing exile, bitterly regrets that he will be denied the joys of living in *tranquilla re publica*, in *bona re publica* (such conditions as he has insured for his fellow citizens by his selfless actions), and announcing that he will seek repose elsewhere, in the first well-ordered free state (*bene moratam et liberam civitatem*) upon which he chances. Louise Hodgson argues that “an explicitly *libera res publica* belongs to the rhetoric of the ‘Liberators’ [sc. the assassins of Caesar] and is anchored in [that] specific and ephemeral context” ([2017] 197–210; 206 for the quotation). Velleius Paterculus (2.32.1) reports that Q. Lutatius Catulus had suggested — in 67 BCE — that Pompey’s magnitude was too great for a *libera res publica* (*in contione dixisset esse quidem praeclarum virum Cn. Pompeium, sed nimium iam liberae rei publicae neque omnia in uno repouenda adiecissetque*), but Hodgson implies that Catulus has been verballed, suggesting that we have here a crystallization of the debates in 44–43 (207). On Dio’s representation of this speech, see Coudry (2015). In any case, the *sententia* is not, as indeed Hodgson demonstrates, indicative of a constitutional framework. Ronald Syme in his epochal contribution, *The Roman Revolution* (1939), had favoured the formulation ‘Free State’ which he applied to the Roman state prior to its being overtaken by autocracy; e.g., 1; 8; 10; 13; 36; 50; 58; 315; 358; 376; 512; 513; and 515. Any such labelling that presupposes clear-cut constitutional phases for Rome risks imposing an understanding that is purely retrospective and may obscure what it was that Romans thought was going on at the time, a danger which Cristina Rosillo-López warns against in her chapter. Syme, for instance, subscribed to the modern notion that Augustus had claimed to have restored the Free State (373–374). On the dangers in this regard, see Judge (2019) 85–105.

8 Cic. *Att.* 4.18 [SB 92].3; 19 [SB 93].1 (both dating to late 54 BCE).

9 Appian marvelled that it had not been considered in 133 (*B Civ.* 1.16.67). We do not know that it had not. The emergency context might have removed the time for the necessary ritual.

10 Cic. *Rep.* 6.12. For debate concerning dictatorship at this point, see, *inter alia*, Jehne (2003); Moatti (2011) and Girardet (2018). For Cicero’s own readiness to accommodate change in this direction, Zarecki (2014) 72–73. Even Powell (1994) who argues convincingly that Cicero’s envisaged *rector rei publicae* was not necessarily a *dictator* (his power lying in *auctoritas* rather than *potestas*) allows that in one respect the conception was monarchical (25). The vision, we submit, was authoritarian. As for the debate in 129, following Evrard-Gillis ([1977] 222 n. 21), Zetzel ([1995] 229) is inclined to see this as an instance of Cicero playing fast-and-loose with historical reality. But see Beness (2005).

11 His first march on Rome was, he declared, to “free the fatherland of tyrants” (*App. B Civ.* 1.57.253; and was an action taken with the full cooperation of his colleague [255]) — though few would have regarded that as other than specious and the sloganry of a heated moment.

made that changes were being effected to the benefit of the People.<sup>12</sup> Yet, if Appian is followed, a case was formally made by Sulla for the institution of an authoritarian regime.<sup>13</sup> Trauma persisted, though that was perhaps more focussed on the nature of Sulla's savagery rather than upon the centralization of power in itself.<sup>14</sup> The concentration of military power in the hands of Pompey was popularly applauded in 67 BCE,<sup>15</sup> and the implied threat by opponents that — if Pompey sought to emulate Romulus (i.e., *qua* king), he might contemplate the fate of Romulus (to wit, the man's mysterious disappearance) — was met by violent public outrage.<sup>16</sup>

The strength of anti-regal sentiment in surviving Latin literature may obscure other schools of thought or popular sentiment with regard to the monarchy (and what it stood for) and varying interpretations of *libertas*.<sup>17</sup> The freedom touted by Rome's elite articulated a resistance to any infringement of its privileged agencies; in other quarters, freedom from insecurity and instability might prevail as the desideratum,<sup>18</sup> and allegiances might be calibrated accordingly. There is nothing novel in this observation:

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12 App. *B Civ.* 1.95.441; 96.445–448; 98.456–460; 99.461–463; 100.465–470 (see, in particular, 101.471–473). There is scarce evidence that Sulla's own memoirs dealt with his dictatorship, let alone professed any ideological vindication. One fragment, indicating that the (or 'a') *res publica* was facing utter ruin (Prisc. *Inst.* 2.476 = Sulla, *Rerum gestarum suarum* 21, fr. 20 Peter; fr. 5 Cornell; 22 Scholz and Walter) has survived. The evidence does not demonstrate that Sulla was defensive of his political actions; cf. Smith ([2009] 68); and ([2013] 1, 284; 3, 291), observing that a justification of the dictatorship was not part of the autobiography and suggesting that the work was either unfinished or closed with Sulla's triumphal military achievements). See also in this regard, Lewis ([1991] 517–518); Thein ([2009] 100–101).

13 *B Civ.* 1.98.459. The case was based, not least, on the ruinous effects of factionalism and political plurality. On the affectation of formally enrolling the senate and the People in his lethal program, see Vervaeke ([2004] esp. 39–40); cf. Hurlet (1993). On the important topic of such enabling laws (which posed such strong intermittent challenges to what modern scholarship would regard as republican government), see the contribution to this volume by Morrell.

14 In retrospect, Tacitus, for one, appreciated the calm that Sulla had imposed — if only for a short while (*Ann.* 3.27). On the trauma, Rosenblitt (2019); Steel (2023) 203; Eckert (2023) 176–177, and Francisco Pina Polo in this volume. It is worth noting that the words *dictator* and *dictatura* did not in themselves become pejorative like *rex* and *regnum* — before Sulla at least; cf. Eckert (2023) 176–179.

15 Even if criticized, as Velleius reports, as incompatible with a *libera res publica*. See above, n. 7.

16 Plut. *Pomp.* 25. Pompey, the beneficiary of divine favour (on his *felicitas*, see Cic. *Leg. Man.* 28; 47–48; cf. Wistrand [1987] 35–43) was regarded as the guarantor of what was needed. In this regard (and following the theme of the centralization of executive power), he was the successor of Marius who had been seen at the time (sc. in 104), Sallust grimly reported (*Jug.* 114.4), as the State's principal 'hope'; see below.

17 For the classic treatment of Roman attitudes to the monarchy and monarchical government, Martin (1982); (1994). See also, Grimal (1979).

18 Wirszubski ([1950] 1) begins by underlining the two very different concepts comprised within the word, and Hellegouarc'h ([1963] 565) concludes with the all-important qualification of the value of *libertas* where it intersected with *gradus dignitatis*; cf. Pitkin (1988) 534. Others had and have taken up this distinction between 'positive' and 'negative' liberty (including Isaiah Berlin), a perspective ad-

The political cant of a country is naturally and always most strongly in evidence on the side of vested interests (. . .) *Libertas* was most commonly invoked in defence of the existing order by individuals or classes in enjoyment of power and wealth. The *libertas* of the Roman aristocrat meant the rule of a class and the perpetuation of privilege.<sup>19</sup>

Recognizing diverse sentiment makes it easier to understand the audacity of those prepared to challenge the *status quo* to the point of redefining the manner of Rome's governance, the most dramatic (and perhaps the most significant) of which was Caesar's march on Rome in January 49 BCE. Putting to one side ideological protestations, whether genuine or merely professed,<sup>20</sup> the march on Rome was, we would argue, in part enabled (in a way that no formal sanction could) by a decreased veneration of the State itself.<sup>21</sup>

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dressed by Atkins ([2018a] 37–62 [arguing for a nuanced Roman concept of freedom]). For Cicero's commitment to liberty conceived as the space to contend for and enhance one's social status: Atkins (2018b).

Sallust had Mithridates avow the opinion that more people wish for a *iustus dominus* than *libertas* (*Hist.* 4.69.18 M [= 4.77McG; 4.60 Ramsay]), an expression that Syme ([1939] 518 n. 5) did not judge invalidated for having been ascribed to “an oriental despot”. It had been intended as a cheeky comment on the emptiness of the slogan. Syme explores the paradox at some length (515–518).

19 Syme (1939) 154–155. In his elaboration of this tenet, Syme makes what we would regard as one of his most contestable statements (albeit one to which there would have been wide subscription): “At Rome all men paid homage to *libertas*, holding it to be something roughly equivalent to the spirit and practice of Republican government.” His overall point about this “convenient term of political fraud”, however, is well-taken. Cf. Jakobson (2010) 299.

20 In 49, Caesar could claim to be protecting the sacrosanctity of the Plebeian Tribune (Suet. *Iul.* 30.1–2) and he would, when in executive authority, take the administration of public affairs (*administratio rem publicam*) as his responsibility — with or without the cooperation of the senate; Caes. *BCiv.* 1.32.7. Cf. Hodgson (2017) 163–219. Cicero hoped, in 46, to associate Caesar with the remediation of any number of societal and political ills (*Marcell.* 23–24). The safety of all citizens and the whole range of public affairs (*omnium salutem civium cunctamque rem publicam*) are dependent upon him and him alone. This, Cicero hopes, is what should occupy Caesar's thoughts (*Marcell.* 25); the current state of public affairs (*rem publicam in eo statu . . . in quo nunc est*) was not to be countenanced (26). Space precludes real engagement with the thesis (Wiseman [2016]) that Caesar was the People's conscious champion, freeing it from a corrupt oligarchy and championing the *res publica* as ‘The People's Thing’ (a definition stanchioned by Cicero's equation of *res publica* and *res populi* at *Rep.* 1.39). That will remain contentious (and Caesar's readiness to leave Rome in 44 gives pause; cf. Hoyos [1979/2009]). Our own reading is that the inadequacies of Rome's government did, indeed, draw Caesar in. Meier (1966), of course, cast the situation facing Caesar as a “crisis without alternative”, prompting the passionate ire of Ernst Badian (1990). This is dealt with elsewhere in this volume in chapters by the editors, Tan and Russell. On the role of Caesar and the old chestnut of ‘inevitability’, see, *inter alia*, Jehne (2009).

21 As for the slippery label of the *res publica*, Suet. *Iul.* 77 (below, n. 150).

## Fault Lines and Fractures

We return to that question of the community's cohesion.<sup>22</sup> Multiple fault lines can be detected early (and, of course, social division was a part of Rome's tradition).<sup>23</sup> The moment marking, for Polybius, Rome's advent as a Mediterranean world power (169 to 167 BCE)<sup>24</sup> throws up images of tensions between the senate and what would become the *ordo equester* (and, in particular, the soon-to-be-powerful public contractors),<sup>25</sup> the electoral sequestering of freedmen (following a public debate that can only have alienated those new citizens),<sup>26</sup> and attempted evasions of military service.<sup>27</sup> It culminated in two closely related episodes serving as a prologue to the city's threefold triumphal celebration of its new power in the Greek East.<sup>28</sup> The first was the citizenry (*qua* disaffected returned soldiers) demonstrating 'untoward' independence in objecting to the Triumph of L. Aemilius Paullus, on the grounds of his unpalatable style of military leadership.<sup>29</sup> Its immediate consequence was the forceful assertion of senatorial authority when the *principes* simply interrupted voting on the Capitol (by their

22 The episodes treated below are selective and cannot receive the treatment they each invite.

23 App. *B Civ.* 1.1.1. Here at the opening of his treatment of civil dissension, Appian playfully jolts the reader with an inversion of the standard formula *SPQR*: "Amongst the Romans, the People and the Senate (Ρωμαίοις ὁ δῆμος καὶ ἡ βουλὴ) were often in contention with each other". Other scholars may see a discourse of unified power (as expressed in the singular 'will of the people' [*voluntas populi*], or singular *mos maiorum*) running deep with the Romans (see, e.g., Paulson [2023] 115). We present here a very different perspective. Paulson sees Cicero (a champion of *concordia*) as depicting dissent as "a warning sign for the Republic" but also suggesting the need to nuance this pious vision (116–117). The fallibility of the masses is factored in (117–122).

24 Polyb. 1.5.

25 A widening difference in mindsets between Rome's twin elites is one that would increasingly concern the political classes of the following decades (and for more than a century), a topic highlighted by Tan in his contribution to this volume (e.g., his exploration of the "underappreciated" factor of temporality and provincial economics). On this particular incident see, *inter alios*, Badian (1972a) 39–40; Davenport (2019) 45–46 ('fault-lines'); North (2022) 528–529. The incident, as imperfectly recorded as it is, shows that the *publicani* were not at this stage a pressure group able to enforce influence (Badian). Times would change.

26 Treggiari (1969) 45–47; Rouland (1977) 363–373; Mouritsen (2011) 76–78; Briscoe (2012) 648–652; and North (2022) 529–530. The debate recognized an alteration in Rome's urban demography that was likely to lead to a diffusion of cultural and moral reference points: a highly relevant subject, but too large to be dealt with here. In the context of the transformation of the urban landscape, however, Rome's first bakery (Plin. *HN* 18.107) ought not to pass without registration.

27 Draft-dodging in 169; Livy 43.14–15; cf. Evans (1988).

28 Livy 45.35–39; cf. Plut. *Aem.* 30–32.

29 On the rough impertinence of the soldiery, Livy 45.36.6. These people were not supposed to count in such matters; there was in the military leadership (as in so many cultures) casual contempt for those in the ranks, "simple and uneducated country hicks" (as these very men were described in another context); *homines paene agrestes* — and *imperitos*; Cic. *Rep.* 1.23.

physical intrusion) and demanded a new count.<sup>30</sup> The last episode should be seen as more of a prelude to the stunning violence in 133 than it often is. It was in effect the application of an authoritarian solution to disorder (as judged by the ‘establishment’) — and set a (lauded) precedent.

Those years (169, 168 and 167) illustrate a time when *equites*, *libertini* and the rank-and-file could be put in their place. When the alienation of the unprivileged and the frustration of the privileged erupted in 133, the result was terrible: Rome was initiated into civil bloodshed (*hoc initium in urbe Roma civilis sanguinis gladiatorumque impunitatis fuit*) and discord between citizens, once relatively amicable, was thenceforth adjudicated by the blade (*discordiaeque civium antea condicionibus sanari solitae ferro diiudicatae*; Vell. Pat. 2.3.3). Division and internal disunity were entrenched in bitterness. In the *De Re Publica*, set four years after the carnage of 133, Cicero has the ‘wise’ Laelius observe that, within one *res publica* (used as polity or state),<sup>31</sup> there were now two senates and, veritably, two peoples (*in una re publica duo senatus et duo paene iam populi*); and that the program of Tiberius Gracchus and the manner of his death had divided one People into two parts (*divisit populum unum in duas partes*; Rep. 1.31).<sup>32</sup> His vision projects schisms at two levels, one being within the Senate itself (‘Laelius’ goes on to elaborate an intractable split within the *curia*) and the other, more profoundly, sundering the Roman populace (an image of twin peoples reminiscent of the conditions that were thought to have brought forth the early Republic’s *secessiones*).<sup>33</sup> The drastic violence of that year, albeit prompting a deadly polarization, reveals multiple divisions. Those who lynched Ti. Gracchus were, according to

30 On the relationship between the elite and the *Plebs* which it dominated, see Hölkeskamp (2017) esp. 182 (on this particular incident as highlighting “the rhetoric of instruction and sharp reprimand” and as demonstrating the deeply embedded and generally shared acceptance of “natural inequality and omnipresent hierarchies” — though see Jehne [2000] and [2006]); cf. 77; 81–85. See also Hölkeskamp (2011); (2013) and, *inter alios*, his useful introductory essay to *Roman Republican Reflections* (2021); Mouritsen (2001); Morstein-Marx (2004); Mouritsen (2017) 58–61.

31 *Res publica* (qua public affairs) has by the time of Ciceronian rhetoric become reified to the point where it might most plausibly be translated as ‘state’. From *une insaisissable chose publique*, it is now something that is vulnerable, may be threatened and must be protected by the appropriate guardians: an evolution traced by Moatti (2018) 25; 71–131.

32 In the *de Amicitia* (40–41), he reduces (to an extent) that rupture to a disjunction between the Senate and the People, focussing interestingly on the introduction of the secret ballot (whereby the disaffected had a hiding place for mischief) and the probability of its imminent extension (Beness [2009]) and the rise in influence of the multitude’s caprice, the *multitudinis arbitrium*. On the divide within the senate, see Beness and Hillard (2012) 273; Hillard and Beness (2012) 823. On the melancholy literary history and ever-present phenomenon of *discordia*, Breed *et al.* (2010) 4–8.

33 Dion. Hal. *Ant. Rom.* 6.36.1 (Titus Larcus speaking): “For we are living apart from one another, as you see, and inhabit two cities, one of which is ruled by poverty and necessity, and the other by abundance and insolence; but modesty, order and justice, by which alone, any civil community is preserved, remain in neither of these cities.”

Velleius Paterculus (2.3.2), the *optimates*,<sup>34</sup> plus the “better and greater part (*pars melior et maior*) of the senate and equestrian order”,<sup>35</sup> and those of the *Plebs* uncontaminated by pernicious counsel (*intacta perniciosi consilii plebs*). The language is (perhaps inadvertently) tell-tale; the community was split at each of these levels.<sup>36</sup> And, at the close of 133 (as clear an illustration of what Vervaet, Dart, and Rafferty convey as *Reformunwilligkeit* as one could hope to find), the city, according to Appian, was divided emotionally between sorrow and joy — some lamenting that the *politeia* (in the sense of ‘established political order’) was no more; others celebrating the fulfilment of their wishes.<sup>37</sup> After a phase of ‘housecleaning’ by the latter, some evidence suggests that the shock of events affected both parties, putting the conservatives on the back foot (for the moment), and allowing the aggrieved to take the initiative.<sup>38</sup> For a time, the *res publica*, as an arena for the exchange of contending visions, came alive. That did not last — and, once again (in 121), the disaffected were declared dangerous to, and subversive of, the precarious *status quo*, ‘the state’, the ‘*res publica*’.

In both 133 and 121, the authoritarian case was unequivocal.<sup>39</sup> In 133, it advocated the conscious abandonment of law (in the interest of defending the status quo). Mucius Scaevola, the consul (and a jurispudent), stood for the law — and the avoidance of illicit executive violence; P. Scipio Nasica, the *pontifex maximus* (with all the moral authority that station, his birth and his previous career accorded him), but acting, emphatically, as *privatus*, insisted that the consul’s adherence to the ‘letter of the law’ (*iuris ordinem*) was endangering the Roman dominion with *all* its laws (*cum omnibus legibus Romanum imperium*), offered himself as *dux* (i.e., a leader without magisterial power), and called upon all those who wished the safety of the *res publica* to

34 The ‘best’ are depicted here, through a partisan lens, as unified. Publius Mucius Scaevola, the consul, and the consular and *ensorius* Ap. Claudius Pulcher, the *princeps senatus*, might have disagreed (Plut. *Ti. Gracch.* 9.1). The unifying label, *boni cives* (“respectable citizens”), applied by Valerius Maximus (3.2.17) to the vigilantes, is likewise unconvincing.

35 Perhaps using the term *ordo equester* anachronistically. See following note.

36 Within a decade, the fault lines had been extended within Rome’s elite with the effective recognition of an *ordo equester*. On this topic, Davenport (2019) 58–67. It was, as noted, a tension signalled back in 169/68. See above, n. 25. On the division between senate and *equites* as a *fons discordiarum civilium* (“origin of civil discord”), see Varro, *De vita populi Romani*, fr. 114 Riposati; cf. Wiseman (2010) 25–29 (for a discussion of the theme).

37 *B Civ.* 1.17.72.

38 ‘House-cleaning’: Sall. *Iug.* 31.7; Vell. Pat. 2.7.4; Val. Max. 4.7.1; Plut. *Ti. Gracch.* 20.3–4; cf. Beness (2000). It seems to have been followed by a sense of restraint, Cic. *Amic.* 40–41. P. Nasica, who had led the suppression of Gracchus, was openly abused when encountered in public, and the senate found it convenient to assign the Chief Priest a foreign posting. The war hero Scipio Aemilianus found himself unprecedentedly heckled in a public meeting, the latter incident leading to Scipio’s questioning of the ‘Romanness’ of the hostile crowd facing him; Plut. *Ti. Gracch.* 20.3–4; cf. Val. Max. 6.2.3; Vell. Pat. 2.4.4; [Plut.] *Apoph. Scip. min.* 22; [Aur. Vict.] *De vir. ill.* 58.8; Polyaenus, *Strat.* 8.16.5. Cf. the ‘caprice’ lamented by ‘Laelius’ at Cic. *Amic.* 41.

39 Albeit that the legal authority of a *senatusconsultum* left a convenient ambiguity.

follow him.<sup>40</sup> This seems to have echoed the call-to-arms in a military emergency.<sup>41</sup> Whatever the antique sanctity of such an alarum, Scipio Nasica — leading what appears to us to have been a violent version of the exercise of entitlement witnessed in 168/7 — had reset the way the Roman community would envisage its governance. Necessity Knew No Law (authoritarianism with no enabling legislation required).<sup>42</sup> And that ideology was subsequently endorsed; *Gracchani* who escaped the initial massacre were persecuted;<sup>43</sup> Nasica's voluntary militia (his *evocati* or *tumultuarii*) seem to have been lionized (at least in the prevalent historical tradition).<sup>44</sup> Nasica himself received *post factum* jurisprudential endorsement.<sup>45</sup> Public affairs, *res publica* (perhaps in its sense as 'state'), had been implicitly redefined as a particular form of governance to be pedestaled and defended,<sup>46</sup> and those who threatened that form of governance had — by way of recourse to what may or may not have been the traditional formula of *evocatio* — been virtually classified as *hostes*, enemies of the state.<sup>47</sup>

In 121, however, with the declaration of what would later be called the *senatus consultum ultimum*, both the concept of *res publica* as a form of government (in which aristocratic authority prevailed) and the notion that those who threatened it were enemies of the state (against whom deadly executive force should be exercised) were brought a step closer to institutionalization.<sup>48</sup> *Cives seditiosi* were still citizens; not *cives sine suffragio*, but *cives indigni civitate*. It was not *their* Republic.<sup>49</sup>

After 121 (which Sallust paints in unequivocal terms as a “victory for the *nobilitas*” [*Iug.* 42.4]), disaffection made itself apparent in an unexpected fashion. Though

40 Val. Max. 3.2.17. For Scipio Nasica as *privatus*, Cic. *Cat.* 1.1.3; *Dom.* 91; *Brut.* 212; Vell. Pat. 2.2.1–3 (*privatusque et togatus*).

41 See above, n. 1.

42 This declaration (and its ramifications) has been repeatedly discussed (see Nippel [1995] 60–61 for a succinct coverage). The axiom would resonate throughout history; for further references and interpretations (drawing heavily upon Giorgio Agamben's work on emergency decrees [2005]), Beness and Hillard (2020) 65–67; 68 nn. 29–37; and (2022) 546–548. Cf. Lowrie (2010) 177–180 (for a “partial critique” of Agamben).

43 For references, see n. 38; cf. Beness (2000) for elaboration.

44 On challenges to that tradition, see below, n. 51.

45 Bauman (1983) 272–287; esp. 285–286, for references and discussion.

46 On the ‘Gracchan moment’ in the development of the conceptualization, Moatti (2018) 71–131; cf. Hodgson (2017) 225–238.

47 This was the birth of a proposition that would bear bitter fruit, on which topic, Alléley (2012) 160 n. 46. For the introduction of the term *hostis*, see, e.g., Alléley, 18–19; 160–161 nn. 46–58; Ungern-Sternberg (1970) 7–16; 40; 67; 119–120.

48 In the trial of Opimius, the *salus patriae* was equated with that of the *res publica* and the *auctoritas senatus* in determining the necessary action was upheld; Wirszubski (1950) 58–59; cf. Brunt (1988) 334.

49 Here we reflect on the concept which Cicero's ‘Scipio’ attributes to Cato (*Rep.* 2.2–3) and to which Eckert (2023) 169–170 valuably draws attention: *nostra res publica*. On the expedient of theoretically dissociating political opponents from the protection of an ideal community, Hook (1934) 265; cf. Lintott (1968/1999) 66.

often omitted from political analyses, it was deeply significant. Polybius had judged one of the greatest strengths of Rome's polity (τὸ Ῥωμαίων πολίτευμα) to be its *religio* (he calls it δεισιδαιμονία), that sense of awe inspired by the unknowable which underwrote the community's social contract (and the maintenance of the all-important *pax deorum*), and explained the cohesion of Roman public affairs (6.56.6–15). It was performed in collective civic ritual.<sup>50</sup> After 121, an alternative cult appeared:

The People (. . .) at first humbled and cowed (. . .) showed after a short time (. . .) their longing for the Gracchi. Statues of the brothers were set up in a prominent location, the places where they were slain were declared hallowed; offerings of all the first-fruits were brought there throughout the seasons; many even sacrificed to them every day, and bowed before their statues as though they were visiting the shrines of gods. (Plut. *C. Gracch.* 18.2)

A more profound statement of disaffection could hardly be sought.<sup>51</sup>

In the period that followed, debate continued over the question of how the state was best to be managed. A series of military setbacks at the hands of the migrating northern peoples (culminating in the disaster at Arausio), together with accusations of mismanagement and corruption in the conduct of the war against the Numidian Jugurtha, opened the would-be guardians of the *salus rei publicae* to renewed challenge on the grounds of their inability to assure said safety (a significant erosion of public trust),<sup>52</sup> and led to a momentous (if temporary) centralization of military authority: Marius' unprecedented five consecutive consulships (all the more remarkable for the man's *novitas*). Just as the exigencies of the Samnite war had prompted the first prorogation of *imperium*,<sup>53</sup> utility overriding 'constitutional' tradition, unprecedented authority was awarded to the one promising succour (and the populace applauded). After Marius' military success, public acclamation was remarkable (and should be regarded in a light not dissimilar to that veneration accorded the Gracchi).

<sup>50</sup> This aspect of public life is well known. Its significance is succinctly captured by Mouritsen (2017) 23. Cf. Flower (2014) 9–11; Champion (2017) xi; xiv–xxv; and *passim*.

<sup>51</sup> It is, in a sense, paralleled by the growth of an alternative historical tradition; Jewell (2023). Historiography as an agent of divergent memory could, of course, fill a chapter of its own. The recollection of Sulla would likewise become the locus of politically partial memory-formation; Steel (2023) 204–205.

<sup>52</sup> Critics of the established order must find substitute slogans: *maiestas populi* might, for example, compete with the newly enshrined *salus rei publicae*: Bauman (1967) 34–55. It was a feint that conservative forces might sidestep — and, in 100 BCE, exploit (49–50). In the meantime, however, growing confidence (and not least the psychology of the alternative cult observed above) formed a base for those who would contest control of the newly-redefined *res publica*. The *quaestio Mamiliiana* of 109 demanded the accountability of leadership (Sall. *Jug.* 40), a brief but spectacular relocation of sovereignty on which we cannot linger here. Fluctuating control of the courts also showcases adversarial positions with regard to the management of public morality. In both cases, however (and in terms of our overall theme), it was contention rather than the various outcomes along the way that left the lasting scar.

<sup>53</sup> Livy 8.23.11–12 (in the case of Q. Publilius Philo [*cos.* II 327, *procos.* 326]).

He was hailed as the third founder of Rome and ceremonial offerings of food and libations of wine were accorded to him in private homes.<sup>54</sup> The eagerness for security (and liberty as freedom from discomfort and disquiet) prevailed over the finer points of political philosophy. With reference to the first of those consecutive consulships, Sallust, writing in the age of Caesar, grimly and knowingly commented — by way of concluding his *Jugurthine War* (114.4) — that, at the time, the *spes atque opes civitatis* (“the hopes and the welfare of the State”) resided with that one man.

Marius’ success, judged by Sallust as the first time that the arrogance of the elite was (effectively) confronted (*tunc primum superbiae nobilitatis obviam itum est; Iug.* 5.1),<sup>55</sup> may have given some hope to those who harboured genuinely alternative visions of Rome’s governance but it was not to be. In Marius’ sixth consulship (100), awarded for no military reason, but as something of an extended victory lap, those hopes were dashed and conservative forces, with their collective back to the wall, took refuge in another deadly authoritarian strike. Again, all those who wished to ensure the safety of the *res publica* — and, perhaps rather disingenuously co-opted to the cause, the ‘*maiestas* of the Roman People’ — were called upon to terminate the plans of those ‘*seditioni*’ who challenged ‘tradition.’<sup>56</sup>

Discerning a genuine allegiance to the cause of what modern analysts would call a republic is an extraordinarily difficult task (and open to partisan interpretation). What followed in the first two decades of the next century (the devastating conflict with the Italian allies, the multiple marches on Rome, and outright civil war, all of which will be recognized for their game-changing impacts on the refashioning of the Roman psyche and on the conduct of public affairs), needs hardly to be spelled out.<sup>57</sup>

Could open government survive the testing ordeal(s)?

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<sup>54</sup> Plut. *Mar.* 28.5.

<sup>55</sup> With regard to political conflict, Sallust painted with broad-brush (and polemicized) strokes (see, in partic., *Iug.* 41), though not without considerable thought. The Gracchi, he asserted, had fought for the *libertas* of the *plebs* and to expose the crimes of the oligarchic ‘few’ (*vindicare plebem in libertatem et paucorum scelera patefacere*), but had been destroyed. The *nobilitas* fought back, conscious of its trespass (*nobilitas noxia atque eo perculsa*), and Sallust spies a game of shifting alliances, between the Senate, the allies and the *equites* (*Iug.* 42.1). He does not, however, let nuance get in the way of a big picture. <sup>56</sup> And, to offer balance, let it be acknowledged that the *populares* (to use a problematic but convenient label) had embraced the baleful culture of violence that had been introduced by their opponents in 133 and would engulf, increasingly, the political process. On the serious ramifications, Hook (1934) 266–267; Lintott (1968/1999) 203.

<sup>57</sup> For references, Vervaet (2023); Lange (2024) 177–190. Cf. Flower (2010b) on the impact of Sulla’s march on Rome in 88 on the fragile dynamics of “traditional republican culture.” In terms of fissures, however, passing mention should be made of the quickening distrust between the senatorial and equestrian elites (another sign of menacing disunion within Rome’s social elite; cf. n. 36 above), a tension focussing on the manning of jury panels (and the integrity of the courts, which is apropos to this survey of disharmony). It was showcased at the trial of P. Rutilius Rufus in the late 90s; Alexander (1990) 49–50 [no. 94] for references; cf. Kallet-Marx (1990) (contesting the traditionally assigned date,

## Res Publica by Authoritarian Fiat

At the beginning of the 70s BCE, Rome's Republic, as it might be seen in retrospect, faced the final straight.<sup>58</sup> Emerging from trauma, the post-Sullan State had been 'gifted' with a major reset. Incongruously born by authoritarian fiat, it was to be (if Theodor Mommsen's conjecture is correct) a *res publica constituta*, whatever that might specifically have meant at the time. Sulla had, according to Appian, been created *dictator* with the brief of attending to public affairs:

δικτάτορα ἐπὶ θέσει νόμων, ὧν αὐτὸς ἐφ' ἑαυτοῦ δοκιμάσειε, καὶ καταστήσει τῆς πολιτείας

[a] dictator for the purpose of making laws, entirely as he deemed appropriate, and establishing the constitution (?)/settling the state (?).<sup>59</sup>

Sulla's aim was not to establish a Republic, but order (and his forceful imposition of a 'constitutional' solution has been dealt with above, nn. 11–14). Mommsen plausibly suggested that Appian's description of Sulla's task replicated (in some Latin original) *dictator legibus scribendis et rei publicae constituendae*; and that has, by and large, been accepted,<sup>60</sup> though Appian's language invites various interpreta-

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but also focussed upon the hostility between the orders). With regard to the Roman psyche, an important topic (that cannot adequately be dealt with here) is the sense of the New Age divinely ordained, on which see, *inter alios*, Wiseman (2009) 111; Santangelo (2013) 89–91 (relating the 'signs' to the struggle of those experiencing such existential change to comprehend it); 115–127; Luke (2014) 33–58; Hay (2023) 5; 17–39 (emphasizing Sulla's role). Cf. (with regard to the latter) the caveat of Ray Laurence (2024). Passing reference might also be made to the report that the civil-war warrior, Q. Sertorius, contemplated, from weariness of the bloodshed, leaving the Roman world altogether and sailing off to the temperate Isles of the Blest in the mid-Atlantic; Plut. *Sert.* 8–9. La Penna ([1963] 230) actually suggested that Sallust, as the source, projected his own soul-weariness onto Sertorius. For a discussion of the item (and a different interpretation), Konrad (1994) 106–111.

<sup>58</sup> Romans might have appreciated the metaphor of the *cursus*; cf. Cic. *De or.* 3.7.

<sup>59</sup> *B Civ.* 1.99.462. An awkward translation appropriately conveys the inadequacy of a confidently honed interpretation.

<sup>60</sup> The phrase *legibus scribendis* is sometimes modified to *scribundis* or *faciendis* (or *legum ferendarum*); Baroni (2007) 784; 791. Mommsen himself qualified the hypothesis by observing that the elaborative indication of the post's objective, its *causa*, will not 'actually' have been part of Sulla's title; (1887) 703–704, n. 3; cf. 707 n. 1 [= (1894) 427 n. 2; 431]. If that quasi-mandate circulated, it was semi-official; cf. Vervae (2004) 41 n. 40 for further references, though we should not doubt that some *causa* or *causae* was/were made public at the time; Hodgson (2017) 87–89. On Sulla's appointment (and his title), see, *inter alios*, Keaveney (1982/2005) 136–137; Hurler (1993) 95; Famiere (1998) 115–117; Hinard (2008) 49–54 (trimming the title); Eckert (2023) 169–182, esp. 173–174 (plausibly presuming that Sulla was drawing on an established concept). It is as well to remember, however, that the original source for that Latin is Mommsen; it appears in no ancient source and certainly not in any contemporary document. For a succinct review, Vervae (2004, 38–58) esp. 40–41; cf. Vervae (2018) 32–38. The conjecture parallels, then, Mommsen's confident assertion, based upon his infilling of a lacuna, that Augustus was formally declared to have 'restored the *Res Publica*', an epigraphic restoration that seems to have misled generations of scholars with their focus upon the specious slogan 'Restoration of the Republic';

tions.<sup>61</sup> Sulla's product (his *res publica constituta*, if that was what he avowed) was markedly different from what had gone before; in many ways it represented a break with the past (and adherence to 'tradition' was debatable).<sup>62</sup> The protestations of the moment might mislead. According to one Roman paradigm, the past provided guidance (Tiberius Gracchus had seen, as had others, Rome's future there)<sup>63</sup> — but it could also be a blind.<sup>64</sup> Even Sulla's augmentation of the senate (and, superficially, its *auctoritas*) — seeming to offer a return to the traditional — represented change (altering the nature of Roman governance).<sup>65</sup>

Thus, given the authoritarian interventions detailed above, the incongruity emphasised (a republic born of authoritarian fiat) will not have been so apparent to contemporaries. Against the backdrop of the momentous transformations of Roman society, alterations to the governance of the Roman state had already been visited upon the Roman populace in the form of bolts from above. But nor did harshly established authority usher in contentment. The citizens of the Sullan Republic must have faced this new dawn with some trepidation. The community brought with it heavy

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Cowan (2019) esp. 28–29; 31. (Eckert's carefully considered rejection [(2023) 180 n. 49] of Judge [1974] does not, unfortunately, meet his point.) Mommsen's conjecture with regard to Sulla is plausible, though it is based in part upon Appian's Greek which is open to interpretation (as we demonstrate in the following note) and in part, no doubt, upon the shorter title later adopted by Antony, young Caesar and Lepidus, *triumviri rei publicae constituendae* (attested in various media). The suggestion that the 'job description' of the triumvirate was prompted by that of Sulla is also plausible, but open to methodological challenge, being based on the proposition that the title of the triumvirate (copiously attested) derived from one for which no documentation survives; Mommsen (1887) 707 n. 1 [= (1894) 431]. The argument that this was Sulla's semi-formal title is often put forward with the observation that it matches what he did. That is equally open to methodological challenge.

<sup>61</sup> Interpretation is called for with regard to both *politeia* and the concept of *katástasis*, and has, when coupled with Mommsen's Latin, prompted a variety of translations for Sulla's professed mission, such as "regulating the commonwealth", "restoring the constitution", "establishing the constitution", "settling the constitution", "reconstituting the state", "constituting the *res publica*", "regulating the Republic", "[effecting the] (re)constitution of the Republic" and "setting the *res publica* in order".

<sup>62</sup> Harriet Flower classified it as 'Republic VI', a "radical departure" that "did not correspond to the Roman experience of a traditional republic", and Louise Hodgson allowed that it "preserved the outwards form of the traditional *res publica* of the *maiores*", but sees with Flower "innovation rather than restoration"; Flower (2010a) 29; 33; 129–130; Hodgson (2017) 91; 121–134; 196–197. For other discussions of the tension prompted by the change, Hodgson (2017) 196–197 n. 143. For Sulla's pretensions to be seen as the "refounder of Rome" (albeit as "the one true defender of the *res publica*"), see Santangelo (2007) 220–221.

<sup>63</sup> The past rules: on the power of the *more*s, see, e.g., Clemente (2018) 203–205; cf. Ayer (2010).

<sup>64</sup> The phenomenon is not unfamiliar; when social change accelerates or transforms a society beyond a certain point, and the past ceases to provide the pattern for the present, it becomes, instead, a model for it, the call being for a return to the ways of the ancestors. This rallying cry often implies a fundamental transformation of the past (history rewritten) and can be "a mask for innovation", on which phenomenon, see Hobsbawm (1997) 5, 13–14.

<sup>65</sup> Steel (2014a); (2014b).

baggage, an entrenched legacy of division, the term *res publica* one of contention, and the world of politics a warzone.<sup>66</sup> Dissent became the negative hallmark of the post-Sullan Republic's first decade — some of it, like the insurrection of Lepidus (with Lepidus promoting the dismantling of much of the Sullan 'settlement'), lethal — but what interests us most is the escalating erosion of trust in the State's institutions and leadership. The senators, superficially the beneficiaries of the Sullan reconfiguration of the State (with their re-established control of the courts), proved themselves unworthy of the bequest. Leading figures found themselves the butt of ridicule, from within and without the Senate;<sup>67</sup> the courts in particular became the subject of harsh scrutiny, integrity the issue and corruption a theme. A series of scandals could not be ignored and in the end leading figures, such as Q. Lutatius Catulus (*cos.* 78), conceded that significant reform was both desired by the public (however that was discerned) and required. Shame appropriately prevailed.<sup>68</sup>

## The Erosion of Trust

Would the reforms of 70 BCE restore faith, the trust in a state governed by the rule of law and the benevolence of legislation? It was too late. Both the courts as an institution and law-making were to be regarded as political weapons. In a themed and sweeping retrospect of the pre-Augustan period, Tacitus (*Ann.* 3.27) nominated the weaponization of legislation for political and ideological purposes as the curse of the post-Sullan era. His cynical conservative eye spies the full restoration of tribunician power in 70 (most particularly the restoration of legislative initiative)<sup>69</sup> as the mo-

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<sup>66</sup> Santangelo (2014a); (2014b); Rosenblitt (2016) 664–673 (for the exploration of Sallust's perspective of politics as the clash of hostile forces); (2019) (illustrating the extent to which recent traumas were unresolved).

<sup>67</sup> See Marcius Philippus' mockery of the consuls of 77 (Plut. *Pomp.* 17.4); Sicinius' of the consuls of 76 (Cic. *Brut.* 216; Quint. *Inst.* 11.3.129; cf. Sall. *Hist.* 3.48.8 M [= 3.15.8 R]; Plin. *HN* 7.55; Yakobson [2018] 21–22; 32–34; Manuwald [2019] 130–31).

<sup>68</sup> Cic. *Verr.* 1.44 (for Catulus' concession). This topic is covered by Hillard (2019), see esp. 230–233 (on the scandals); 233–236 (on the shame). On the subject of how public opinion might be determined, Rosillo-López (2017) esp. 3–27; 204–209; (2019); and on the identity of the 'public', Russell (2019a). Here we underline an important theme of this chapter: disillusionment. After Cicero's *First Verrine*, the classic statement of denunciation comes from Badian ([1970] 32): "Sulla's new state was based on an absurd parody of natural selection — the survival of the unfittest." It is highly dramatic, but still resonates. Likewise, the theme of unworthiness recognized from within: "the oligarchy had lost the will and the confidence to govern. When two *Sullani* (. . .) destroyed the spirit of the Sullan settlement in 70, there was little real resistance (. . .) The Sullan oligarchy had a fatal flaw: it governed with a guilty conscience. It was not the only flaw. The post-Sullan oligarchy had no sense of mission" (30). "The Republic had begun to putrefy a generation before it died." (32)

<sup>69</sup> Full power was restored to the *turbatores plebis* (wordplay, surely).

ment from which legislation concerned itself not with communal interests but individual advantage: *iamque non modo in commune, sed in singulos homines latae quaestiones*.<sup>70</sup> An exponential growth in legislation served, for Tacitus, as a marker of the corruption of the body politic. Legislation, in his mind, was not the means of peaceful change, but an expression of division and momentary privilege.<sup>71</sup> The same sour assessment could probably be taken as the judgement of the Roman community with regard to the role of political interference and/or corruption in the justice system (whether or not that degree of negativity was warranted).<sup>72</sup>

The most recognized case-in-point will be the trial in 61 BCE, when a scion of one of Rome's leading families was tried for *incestum*. A guilty verdict would have been the end of his political life.<sup>73</sup> He was found not guilty by a vote of 31 to 25. Acceptance or rejection of the jury's resolution split the community along political lines.<sup>74</sup> Cicero (and others) cried that the judgement was the result of outrageous and flagrant interference, and that accusation has carried the day with the majority of ancient and modern commentators. Cicero's blistering denunciation of the jury's corruption and the verdict's invalidity (*Att.* 1.16.3–6) stands as one of the strongest (and most uncontested) declarations of 'jury nullification' (as it would be called in the U.S. legal system) or 'perverse verdict' (in the U.K.) in the history of the Republic. The truth of the matter is irretrievable; the division of the community the only incontrovertible fact.

One of the responses to that sorry state of affairs (the erosion of public trust in the integrity of court decisions) was to heighten the tribalization that was increasingly in play, the 'fractionalism' with which we conclude. The secret ballot would remain, but a form of profiling would be instituted (and broadcast), effected through a *lex Fufia iudicaria*.<sup>75</sup>

Quintus Fufius Calenus, finding that the votes of all were hopelessly confused, at least in party contests (ἐν . . . ταῖς φιλονεικίαις), since each of the orders [the senators, *equites* and *tribuni aerarii*] attributed the good measures to itself and referred the preposterous ones to the others, proposed a law while praetor that each order should cast its vote separately. His purpose was that

70 This cynical 'observation', as well as choosing to overlook the shame which senatorial jurors brought to their privileged position in the 70s (and the call for rectification that had triggered, *inter alia*, the restoration of tribunician power), does scarce justice to the efforts of those who sought genuine reform through legislation; Morrell (2014); (2017).

71 As he put it, in characteristically pungent fashion, *corruptissima re publica plurimae leges* ("the more corrupt the state of public affairs the greater number of laws"); Tac. *Ann.* 3.27.

72 There is nothing new, of course, in regarding cynically the role of the courts in politics; Gruen (1968).

73 We refer to the notorious trial of P. Clodius Pulcher; Alexander (1990) 116–117 [236] (for references). For discussion, Moreau (1982); Tatum (1999) 62–85.

74 For those who celebrated the man's exoneration, not only did he walk free but Cicero left the court judged to have been a lying witness (bearing the indelible stain of mendacious testimony).

75 Rotondi (1966) 399 for further references.

even if their individual opinions could not be revealed, by reason of their taking this vote secretly, yet it might become clear how the orders, at least, felt. (Dio Cass. 38.8.1; Loeb trans.)

Thereafter, detailed reports could be given of the breakdown of voting.<sup>76</sup> As valuable as such information is to the modern academic, this administered to anything but social cohesion; it advertised fault lines, and exacerbated suspicions and antagonisms.

## Discord

By the end of 61, Cicero's mind was reeling, his thinking morose and focussed on division within the elite.

*nos hic in re publica infirma, misera commutabilique versamur. credo enim te audisse nostros equites paene a senatu esse diiunctos.*

We are spinning here within an infirm, miserable and unstable *res publica*. For I believe you have heard that our *equites* have pretty much broken from the senate. (Att. 1.17 [SB 17].8)

For Cicero, this was personal.<sup>77</sup> There was political frustration also (and danger). The *concordia* between the orders on which Cicero had pinned so much hope and nurture since his consulship in 63, conservative in appearance (and to the ear), was anything but traditional or a communal *consensus*.<sup>78</sup> It would be in fact a radical new configu-

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76 Asc. 28C (on the acquittal of M. Aemilius Scaurus in 54): "Votes were cast by twenty-two senators, twenty-three *equites* and twenty-five *tribuni aerarii*, out of which four senators, two *equites* and two *tribuni aerarii* were for condemnation".

77 The anxiety prompted by disunity was exacerbated by a tension that had risen, following family friction, between himself and his closest friend, the *eques* Atticus (Cic. Att. 1.17 [SB 17].1–4; cf. 1.20 [SB 20].1). Rising to the surface were bristling feelings concerning relative dignities.

78 For a more optimistic view of *consensus* and its place in Roman political thought, Flower (2014). Her multi-point definition of modern understandings of consensus (5–6) is particularly valuable. This subject has a special place, of course, in interpretations of Cic. *Rep.* 1.39–41 (and the pedestalization therein of *consensus iuris*) and cannot be adequately treated here (as essential as it is to the topic). Perhaps it will suffice to refer to the useful discussion and accompanying bibliography offered by Zetzel (1995) 127–130, to which we might add Michel (1984–1985) (exploring the interrelationship between *consensus* and *concordia* in Cicero's evolving thought), Cancelli (2014), Humm (2021) (the last two underlining the [what we would call insidious] link between the *auctoritas* of the leaders with *consensus*). For Cicero's idealizing profession on the other hand (too widely broadcast to be served by a comprehensive register of citations here), see, e.g., the sentiment attributed to Scipio Aemilianus at *Rep.* 2.69 that the objective was a *consensus*, bringing together elements *ex summis et infimis et mediis* (in passing, an interesting allusion to class) that would insure *concordia in civitate*, the strongest bond of security (and safety) *in re publica: in civitate concordia, artissimum atque optimum omni in re publica vinculum incolumitatis*. Cf. n. 81 below.

As a number of colleagues at the symposium noted, we must ever beware of seeing Rome's political world through a Ciceronian prism (as difficult as that is). See, e.g., Amy Russell's caution in her

ration which he had hoped to create, by means of an alignment of senators from families of more recent elevation (led by high-achieving *novi* such as himself) and the wealthier elements of the equestrian class. This would be a sort of *factio* in the Roman sense of a grouping with enough clout to exercise a dominant influence within the state — a voice for new money. A ‘league of gentlemen’, indeed.<sup>79</sup> *Concordia ordinum* was more by way of a slogan. The ‘old families’, both patricians and the noble elite which had flourished since the close of the fourth century, would find their ancestral entitlements (and their pretensions to communal patronage) challenged; that is to say, the catchphrase, so resounding of harmony, was as divisive as the creation of any new strategic bloc.<sup>80</sup> The term *concordia* had long since been politically compromised, and now suggested triumphalist celebration of the suppression of dissidence. The ironically-minded saw it for what it was: the commemoration of discord

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contribution to this volume; cf. Russell (2019b). (On that score, see also Wiseman [2010] on the parting of the ways between the mindsets of Cicero, on the one hand, and Varro and Sallust on the other.) But on the central place of concord and harmony in an item retailed as an example of *conversio* (antistrophe) in the *Rhetorica* addressed to Herennius (4.19) we find a sentiment paralleling the Ciceronian perspective:

*Ex quo tempore concordia de civitate sublata est, libertas sublata est, fides sublata est, amicitia sublata est, res publica sublata est.*

From the moment that *concordia* was snatched from the political community, so went *libertas*, *fides*, *amicitia* and the very *res publica* itself.

The rhetorical flourish is of more than passing interest here for the imagery of the *res publica* being taken from the *civitas*; cf. Hodgson (2017) 10.

The celebration of concord and the blessed *omen concordiae* will be found throughout Livy (e.g., Livy 5.18.3; cf. Livy 2.33.1; 11 [commemorating Menenius Agrippa]).

<sup>79</sup> For this definition of ‘faction’ as a bloc that dominated others, see Seager (1972). We acknowledge that such a grouping as we have suggested was, in Cicero’s mind, broader than the alignments of interest that Romans usually thought of when they used the word *factio*. On this specific ‘concord’, see Zarecki (2014) 51–52.

<sup>80</sup> In practice, the consensus in which Cicero was especially interested was, of course, far more targeted; see, e.g., Lapyrionok (2008). His concern was for a community which protected the security of *res privata* in troubled times; see, e.g., Kohns (1974), arguing that the terms at *Rep.* 1.39 represent two sides of the same issue.

The *ordo equester* (or a representative proportion) had shown itself ready to take up arms to protect its assets in 63: Cic. *Att.* 2.1 [SB 21].7; cf. *Sest.* 28 (a group ready to inflict violence, as well as prevent it); *Phil.* 2.16; *Sall. Cat.* 49.4. Davenport ([2019] 103–104) suggests this was something like a foundational moment for the *ordo equester*. Writing to Atticus (1.17 [SB 17].10), Cicero speaks of this stratagem of ‘concord’ as “our established plan” (*rationem institutionemque nostrum*). At *Att.* 1.18 [SB 18].3, he speaks of the *duo firmamenta rei publicae* that he (and he alone) had established (*per me unum constituta*, borrowing in that sense quite closely from the Sullan formula), those two bases being the *auctoritas senatus* and the *concordia ordinum*.

successfully suppressed by the establishment of ‘order’.<sup>81</sup> The wealthier *publicani*, however, elsewhere acknowledged as the ‘flower’ of the equestrian order, the “ornament of the state and backbone of the *res publica*”,<sup>82</sup> were not so easily corralled, and even Cicero found their self-interest difficult to accommodate,<sup>83</sup> if dangerous to curb.<sup>84</sup> Cicero, by his energetic exercise of executive authority and championship of monied interests in 63, might feel vulnerable, if this coalition did not hold firm. Eliding public and private interests (as was his wont), he elaborates, a month later, that with regard to the *res publica* he can only envisage medicine that will exacerbate the wound and that *res Romanae* are unlikely to survive.<sup>85</sup>

## Disillusion

The rifts opened the way to audacious political machinations that exploited the differences. The convulsions of the fifties cannot be covered in this survey, though it is worth noting the extent to which Cicero in his truly pessimistic retrospect offered to Publius Lentulus Spinther in December 54 BCE (*Fam.* 1.9 [SB 20]) dwells upon the reversal of friendships, on those who were “the enemies of their friends”,<sup>86</sup> of the insincerity of professions of friendship and support, and the galling disappointments of reversing one’s own ethical stands in the face of bitter reality, public affairs (the *res publica*) having fallen into the hands of *improbi* and *perditi cives*, the worst of citizens.<sup>87</sup> Cicero feels he can share with his correspondent the *maxima dolor* that follows from the shattered illusions of faith in humanity (*fides hominum*) betrayed.<sup>88</sup> Remarkable, too, is the turn-

<sup>81</sup> Plut. *C. Gracch.* 17.6; August. *De civ. D.* 3.25. For references and discussion, Morstein-Marx (2012) 197–199; 201; Hillard (2013) 109–111; 120 n. 61. For the classic discussion of *concordia ordinum*, Strasburger (1931); cf. Hellegouarc’h (1963) 125–127; cf. 124–125 (on *consensus*). For *concordia* in Cicero’s thought, see Zarecki (2014) 48–62 (and, for its relationship to the *consensus [omnium] bonorum*, 59–62). Cf. Clark (2007) chs 4 and 5 (for cautionary treatments of *concordia*, emphatically in lower case).

<sup>82</sup> Cic. *Planc.* 23–24: *flos enim equitum Romanorum, ornamentum civitatis, firmamentum rei publicae*.

<sup>83</sup> *Att.* 1.17 [SB 17].8–10.

<sup>84</sup> On the dangers, Cic. *fam.* 1.9 [SB 20].26. In their chapter on Reform Unwillingness, Vervaeke, Dart and Rafferty observe the divergence going back to 133. In his contribution, Tan explores the sensitivity attaching to status claims.

<sup>85</sup> *Att.* 1.18 [SB 18].2. In particular, for Cicero’s anxieties with regard to the breakdown of his envisaged *concordia*, Zarecki (2014) 52–53. As Zarecki points out (59), the “idea of the *concordia ordinum* and *consensus omnium bonorum* as a political reality (. . .) disappears from Cicero’s works after the publication of *De Re Publica*”.

<sup>86</sup> See, e.g., the allusion to the unnamed *inimicus amicorum suorum* (*Att.* 1.18 [SB 18].2).

<sup>87</sup> *Att.* 1.18 [SB 18].10–18.

<sup>88</sup> For the significance of friendship in Cicero’s political thought, Nicgorski (2008). Cicero was not alone. The theme of *amicitia* betrayed is a well-known one in Catullus (who was writing at the same time [see below]); *benefacta*, *pietas*, and *fides* all met with *ingratia* (see Gibson [1995] 62 for further references). More recently (on false friendship in Catullus), Hill (2021).

ing to philosophy to bring some order to a troubled mind and some justification for retreat.<sup>89</sup> He glosses *noster Plato* to the effect that a state gets the leadership it deserves (and, to an extent, that leaders can be the makers of ill-fashion).

*quales in re publica principes essent talis reliquos solere esse cives*

[just] as the leaders of a *res publica*, so are the other citizens apt to be.<sup>90</sup>

Later in the same letter, Cicero ruminates on Plato giving up — or, at least, accepting limits.<sup>91</sup>

By the time he had penned that dirge (no longer alarmist, as he appears in correspondence at the beginning of the decade, but in mourning), the winter of his dreams was upon him.<sup>92</sup> By the mid-fifties, the Roman political scene — to take only the events of 56 and 55 — was exhibiting all the signs of a failed (or, at least, failing) state. The simple narratives of Dio Cassius (39.27–37) and Plutarch (*Cat. Min.* 41–42) make grim reading and vividly illuminate the state of public affairs which has gone past the colourful and the spectacular to the dire (in terms of interference, sometimes insidious, often violent, in the political process in multiple venues): “a decade of mounting disorder, during which riots in Rome paralysed the processes of government.”<sup>93</sup>

## Incivility

*Quid est, Catulle? quid moraris emori? sella in curuli struma Nonius sedet, per consulatum peierat  
Vatinius: quid est, Catulle? quid moraris emori?*

What is this? Why do you delay dying, Catullus? This tumour Nonius sits in a curule chair. Vatinius is knocking at a consulship! What is this? Why do you put off dying, Catullus? (Catullus, *Poem* 52)

<sup>89</sup> On this topic, McConnell (2014) esp. 34–44; 54–61. Cicero’s philosophy is a subject that cannot be comprehensively dealt with here. See, most recently, Maso (2022).

<sup>90</sup> This was often taken as an allusion to *Laws* 4.711b–c, though it more closely replicates Xenophon’s *Cyropaedia* 8.8.5, with which Cicero was also closely familiar; Shackleton Bailey (1977) 311; McConnell (2014) 36 n. 12.

<sup>91</sup> *Fam.* 1.9 [SB 20].18. Cf. 1.9.20–21 (on adapting to the overrule of those on high, *principatus summorum civium*, and finding *otium cum dignitate*, running with the tempest as the skilled navigator does — *etiam si portum tenere non queas* [“even if that means missing the port to which you were heading”]). Cicero’s spin on Plato’s guidance here displays an interesting shift from his earlier denigration of the idealist Cato’s behaviour as if he was living in Plato’s *politeia* rather than the squalid realities of Rome: *Att.* 2.1 [SB 21].8.

<sup>92</sup> On Cicero’s pessimism (“with little hope of the emergence of a new and stable republicanism”), Flower (2014) 2.

<sup>93</sup> Griffin (1986/2001) 1–12; esp. 2. For the details of Cicero’s reactions (with fuller bibliography), see, e.g., Zarecki (2014) 69–70. Nor was Rome, as our sources tell it, a clear centre of political activity (though see the *caveat* of Rosillo-López [2022] 62–79).

We suggest — to take up Cicero's lament outlined in the preceding section — that erosion of trust was particularly pronounced with regard to leadership. Not a small part in this was played by the unrelenting and, we would argue, increasingly unrestrained personal denigration accompanying political polemic. The sheer incivility of public discourse is perhaps foregrounded in the epigrammatic obscenity of Catullus (but not in Catullus alone).<sup>94</sup> An alternative case could be made that Roman oratory typically played roughhouse, targeting personal shortcomings and alleging any variety of criminal and immoral behaviour on the part of adversaries.<sup>95</sup> The denigration of individuals cast as malefactors was, it is generally believed, an almost venerated tradition; Lucilius was credited with effectively initiating satirical targeting in the previous century.<sup>96</sup> Lucilius, indeed, 'lacerated' his targets, and his readiness to embrace offensive language (together with his preparedness to attack eminent personalities by name) was his hallmark;<sup>97</sup> but Catullus' broadsides and outright vilification of Rome's *principes* were, we contend, of another order. While an insufficient amount of Lucilius' work survives to allow overly confident assertions,<sup>98</sup> we do not see in his surviving fragments anything that matches Catullus' vicious and frequently obscene hatchet jobs — and we explore a particular example (*Poem 97*) below.<sup>99</sup>

Catullus, as mentioned, was not exceptional in his inclination to the scabrous and to obscenity, but it is worth noting,<sup>100</sup> that when Isabel Ruffell places Catullus within

94 At the conference, this proposition received some particularly spirited feedback. We particularly thank James Kierstead, Amy Russell and James Tan for their valuable challenges.

95 Cf. Corbeill (1996) esp. 14–98; (2006) 442–444. Such personal attacks can be traced back at least to the cut-and-thrust of the second century. One thinks of Cato's ridicule in 149 BCE of a three-man embassy to Bithynia; Plut. *Cat. Mai.* 9.1; Astin (1978) 125 (for discussion and more references).

96 Diomedes *GLK* 1, 485; cf., e.g., Gruen (1992) 273; Freudenberg (2005) 4; Muecke (2005) 42–43; Goh (2019). The license of abuse might indeed be seen as a *strength* of the Free Republic (as opposed to what followed); cf. van der Blom (2020).

97 Lucilius' temerity was the envy of those who would follow (Hor. *Sat.* 2.1.62–70). In large part, we may imagine that his sense of license manifested itself in obscenity. See, in particular, Richlin (1983) 18–19; 24–25; 250–251 n. 36. Lucilius attacked leaders and laity alike (*primores populi . . . populumque* [Hor. *Sat.* 2.1.69]). On his personalized attacks, Cichorius (1908) 56–58; 219–232; Lefèvre (2001); Damon (2018); Goldberg (2018); Grillo (2018); Goh (2018); (2019); (2020); and (2021). And for a study moving away from a focus on Lucilius *qua* 'satirist', Hass (2007).

98 See, e.g., Panayotakis (2004) on "the frustratingly fragmentary status of the satirist's extant corpus" and the difficulties of finding "the 'real' Lucilius".

99 Lucilius wrote for the discerning; Gruen (1992) 312–315 (on the audience). So did Catullus. But Catullus' readership had been hardened by the earlier diet of Lucilius and impact required inflationary rhetoric. And we would stress the extent to which the obscenities coined by Catullus and his contemporaries were taken up by the wider populace.

100 There is a general inclination to speak of the "literary tradition of invective" as "a distinctive feature of Roman culture" (Fitzgerald [1995] 61–87; esp. 61; 63) and of obscenity's "traditional place in invective poetry" (Richlin [1983] 250–251 n. 36).

the tradition of verse invective, the examples are principally drawn from the scuttlebutt of this decade — i.e., the 50s.<sup>101</sup> And that applied to public oratory. Cicero was himself not immune from the temptation; we recall the repartee during which he impugned the paternity of Q. Metellus Nepos by referring to the reputation of the latter's mother and the obscene innuendo to which he gave public voice concerning his arch-enemy Clodius Pulcher and Clodius' sister, freely acknowledging in a self-report to his confidante Atticus that it was “not very consular”.<sup>102</sup> This woman, it should be added, was herself ‘consular’ (the daughter of a consul, the wife of a consul and a sister also of Appius Claudius Pulcher, the consul of 54).<sup>103</sup> This particular calumny of alleged Claudian incest became a staple (and found its way into the historical record, along with supporting anecdotal embroidery).<sup>104</sup> On February 7<sup>th</sup>, 56 BCE, Rome witnessed such aggressive slandering directly impact the political stage. Cicero reports with some satisfaction the heckling that erupted in a public assembly (from both sides); while Clodius was speaking, there was “all manner of bad-mouthing” (*omnia maledicta*), including exceedingly lewd versification with regard to Clodius and his sister (*versus obscenissimi in Clodium et Clodiam*).<sup>105</sup> The unpleasant exchange led to one of more physical expression: spitting at first, followed by brawling (*turba*) from which Cicero quickly absented himself.

Amongst Catullus' contemporaries in this form of public vilification (and keenness to name names), his friend C. Licinius Calvus Macer was a standout.<sup>106</sup> His allusions to King Nicomedes' alleged buggery of Caesar are well known, perhaps less so

<sup>101</sup> Ruffell (2003) 41–42 (on the scabrousness of Catull. 37).

<sup>102</sup> The attack on Nepos: Plut. *Cic.* 26.9; the attack on Clodius: Cic. *Att.* 2.1 [SB 21].5.

<sup>103</sup> Cicero actually accorded her the title, *illa consularis* (*Att.* 2.1 [SB21].5), albeit sarcastically; cf. McDermott (1972).

<sup>104</sup> Clodius' alleged incest with Clodia had featured in Cicero's defence of Caelius in 56; cf. *Pis.* 28; *Mil.* 73. For the historical ‘record’, Plut. *Cic.* 29.5. Clodius' defiling of his three sisters also appears in the letter to Spinther (*Fam.* 1.9 [SB 20].15). The purported laxity of the Claudian women had gone beyond allegations by Cicero; cf. Caelius, *ORF* 168, fr. 26 [= *FRL* 162, frgs 26–27 Manuwald = Quint. *Inst.* 8.6.53]; and Plut. *Cic.* 29.4 (an example where forensic testimony was offered by way of character assassination rather than as evidence apropos to the charge under trial). Cf. Richlin (1983) 94–95 (on invective of the Late Republic turning on sexual themes).

The siren call of abusive polemic had even tempted the stiff-necked Cato when, as a young man, his Stoicism had been tested by a jilted courtship (Plut. *Cat. Min.* 7). He lapsed into Archilochian mode, but not (we are assured by his admiring biographer) in excess; cf. Cowan (2015).

<sup>105</sup> Cic. *QFr.* 2.3 [SB 7].2.

<sup>106</sup> For Macer's passionate and energetic oratory, see the evidence provided by Manuwald (2019) 310–337. Seneca, *Controv.* 7.4.7 regarded his poetry as *iocosa* (playful!), but full of spirit (*plena sunt ingentis animi*). On the appreciation of C. Licinius Calvus' aggressive wit from an unknown bystander, Catull. 53. Calvus was a master of the one-liner. On his talent with *facetiae*, Catull. 50. But he was also highly appreciated by serious students of oratory; Tac. *Dial.* 21.2.

his allegations of sexual passivity on the part of Pompey.<sup>107</sup> The scarification of Pompey survives in the form of two lines preserved with slightly different wordings by three sources.<sup>108</sup> While those variations mean that no-one can insist too fiercely on the precise wording or original punctuation,<sup>109</sup> the gist is clear. Pompey was mocked as a *pathicus*. For the sake of argument, we might — collating the three quotations — render the following reconstruction (and we do not believe that different readings will substantially alter the general sense of the lines):

Magnus, whom (mortal) men fear, scratches his head with one finger.  
On which grounds you would believe he seeks for himself a (real) man.<sup>110</sup>

The gesture was taken as a sign of effeminacy; the suggestion of sexual passivity was the inference.<sup>111</sup> Of particular interest here is the fact that the attack on Pompey's 'manliness' (or lack thereof) was given broader distribution via public chanting organized in 56 BCE by Clodius.<sup>112</sup>

The defamation of (identified) individuals from the highest echelons of society was widespread and found in multiple media. Catullus' poetry also labelled Caesar and Mamurra, his chief engineer, *cinaedi improbi*, and at the same time (incongruously to some modern ears) voracious adulterers and chasers of young girls. The label

**107** On Caesar, Suet. *Iul.* 49.1; on Pompey, *FLP* 18 Courtney [= Licinius Calv. frgs 17–18 Büchner and Blänsdorf; 38–39 Hollis]. Caesar is named outright by Calvus as the recipient of *pedicatio*; and, with regard to the second epigram, there can be no doubt that the descriptor *Magnus, quem metuunt homines*, cited in its context below in n. 110, identified Pompey with great clarity. (The word *homines* was 'emended' [perhaps unnecessarily] in the sixteenth century by Pierre Pithou to *omnes*.)

We are not suggesting here that such allegations were unprecedented in Roman invective (or overlooking Lucilius' accusations of pederasty and the like), but see above n. 98.

**108** Sen. *Controv.* 7.4.7 and scholiasts on Lucan (7.746) and Juvenal (9.130–133), respectively. Whether the two lines constituted a stand-alone epigram or were part of a longer libel remains debatable.

**109** And no one ought to offer an opinion before putting themselves in the debt of Harry Jocelyn's impressive scholarship on the subject (1996), quibbles aside. Cf. the summation of Jocelyn's longer study by Hollis (2007) 81–84.

**110** With this translation, we have followed, by way of the text's reconstruction, *Magnus quem metuunt homines, digito caput uno / Scalpit. Quo credas hunc sibi velle virum*, choosing *homines* (over *omnes*) and *quo credas* (with less assuredness) over *Quid? dicas . . .*, *quid credas . . .*, or *quo dicas*. We have added explanatory parentheses to contrast mortal men (as opposed to the immortals) and the virility of the active man who is alleged to be the object of Pompey's desire.

**111** Jocelyn (1996) 253 observes that there is no certainty the epigram ended at that point. Overall, he perhaps underplays the pungency of polemical allegations of effeminacy. The force of the allegation is vouchsafed by Plutarch (*Pomp.* 48.7). Jocelyn (1996) did not have the opportunity to engage with the newer wave of gender studies that dealt with Roman attitudes to the question of masculinity, on which, see, e.g., Corbeill (1997) esp. 107–123, and 120–121 (on the case of Pompey as treated by Plutarch); Taylor (1997) 339; Williams (1999) 216 (misdating the incident described by Plutarch); and 355 n. 310; cf. 222–223 (on head-scratching); and Halperin (2002) ch. 4. The fifteenth-century comments of Politianus on this 'mark of infamy' (*nota*) are still valuable; *Misc.* 7 [= Poliziano (2020) 91–92].

**112** Plut. *Pomp.* 48.7.

*cinaedus* is a term to which it is difficult to apply a one-word translation, though clearly it was intended to question their masculinity and was in many ways akin to modern expressions of homophobia, as ill-fitting as the application of that latter term may be to ancient Rome.<sup>113</sup> Such slurs of questionable manhood might run jarringly hand-in-glove with accusations of untoward political aspirations. Caesar is a *cinaedus* *Romulus* in *Poem* 29, lines 5 and 9.

The name-calling had an impact. It is not academic imagination which assumes that, figuratively speaking, blood was drawn. Clodius was, according to Cicero's report, visibly disconcerted by the doggerels deriding himself and his sister.<sup>114</sup> Caesar considered his name inflicted with a lasting stain (*perpetua stigmata*).<sup>115</sup> And, as we have noted, these literary enterprises were translated into obscene chants in the streets, possibly orally transmitted to those who were unable to read them.<sup>116</sup>

All this added to the maelstrom of incivility and defamation that we see characterizing the 50s.<sup>117</sup> The Roman nobility found its image degraded in a comprehensive fashion. And *fama* underwrote *nobilitas*. If the elite found itself vilified in a gendered way, the vilification was also gender inclusive. Aristocratic *matronae* may only have been seen in public veiled — but they were highly visible, and their regular public appearances augmented the celebrity of their respective families.<sup>118</sup> That high visibility brought them attendant risks. As we have seen with the 'consular' Clodia Ap. f., a woman of the highest standing, was not immune. Another was her cousin Mucia, the ex-wife of Pompey and then the wife of M. Aemilius Scaurus (praet. 56, procos. 55), whose career was about to take a controversial turn but who was at the time of Catullus' verbal assault on track for an imminent consulship and a man who enjoyed an

113 That is a debate which need not detain us here; nor need the strict definition of *cinaedus*. On the problems posed by translation, Vandiver (2007) 529–533, to the bibliography of which could be added some items relevant to the virtual debate between David Halperin (1990) 8–9; 15–53 (focussing on Greek antiquity); Halperin (2000) esp. 88–89; 92–93 and Amy Richlin (1991); (1993) on the applicability of the terms 'homosexuality' and 'homophobia' to Roman antiquity. Catullus introduces Caesar and Mamurra in *Poem* 57 as *cinaedi improbi* on the opening line and repeats that label on the closing line (10). To make his meaning clear they are *pathici* on line 2, 'twins indeed' (6).

114 Cic. *QFr.* 2.3 [SB 7].2. That may have been wishful projection on Cicero's part. We are on stronger ground with the following item.

115 Suet. *Iul.* 73. *Perpetua*: Calvus was reviving allegations that were two decades old. They were also given oxygen by Caesar's own troops (Suet. *Iul.* 49.1). On the longevity of Calvus' *famosa epigrammata*, see Hollis (2007) 81–83. The scuttlebutt aimed at Pompey clearly had its own long life; cf. Amm. Marc. 17.11.4.

116 Fitzgerald (1995) 62; cf. Opelt (1965) 154–157; Adams (1982) 11 (and n. 3). Graffiti also provided the means of anonymously broadcasting slander (as well as giving 'voice' to the disaffected), on which topic see Morstein-Marx (2012); Hillard (2013); Marsilio (2016) 206; Angius (2018) 51–59; Morstein-Marx (2021) 523–528.

117 The relevance of Catullus' excessive vitriol here (and in the poems to be explored below) is that every securely datable poem belongs to the mid-fifties.

118 Webb (2024); and (forthcoming).

enviably wide range of connections within Rome's elite society.<sup>119</sup> Mucia was, it has been argued elsewhere, accused by Catullus of having taken lovers by the thousands (and of providing a yardstick of society's degradation in the period marked by Pompey's first two consulships).<sup>120</sup> More than that, Catullus' innuendo had perhaps cast doubts (or sought to sow the seeds of doubt) on the paternity of Pompey's daughter.<sup>121</sup> If a relatively recent hypothesis is followed (it has been quietly gathering steam for close to two decades now), scandal flowed into the following generation, with Catullus' *Lesbia* being one of the two daughters of Appius Claudius Pulcher (*cos.* 54), perhaps the wife of Pompey's elder son.<sup>122</sup>

Modern prosopographers are sometimes unable to identify Catullus' targets but, it is worth remembering (and emphasising), that contemporary readers knew *exactly* who was traduced.<sup>123</sup> So it was with the Aemilius pilloried in an extremely unpleasant verse (*Poem* 97). This is a twelve-line diatribe, "perhaps the most violently obscene of all Catullus' poems",<sup>124</sup> providing an extreme example of the invective circulating in the 50s with possible political intent.<sup>125</sup> The erstwhile target is a malodorous Aemilius, his mouth compared to his fundament, his wide-mouthed toothy grin being described in a succession of intentionally repellent metaphors,<sup>126</sup> but who is, despite all descriptive indications to the contrary, a 'hit' with women (of whom he has known many) and who considers himself a charmer (*venustus*). The epigram closes suddenly on an almost tangential note, a seeming remonstrance: any woman who so much as touches the man would be ready to engage in anilingus with a diseased executioner (*quem siqua attingit, non illam posse putemus / aegroti culum lingere carnificis?*). Chester Neudling entertained the idea that this Aemilius might be Lepidus, the future *trium-*

119 On Mucia, Hillard (2021). On the sorry saga of Aemilius' dashed hopes of the consulship for 53, Broughton (1991) 21–22 n. 38. For Aemilius' connections, Asc. 28C.; cf. Marshall (1985) 150–156; Lewis (2006) 228. He had recently (in 58) big-noted himself with unprecedentedly lavish aedilician games; Plin. *HN* 36.113–114.

120 This depends on the identification of M(a)ecilia in *Poem* 113 with Mucia. See Hillard (2021) for a bibliography and further argument. It should be acknowledged that not everyone is convinced that the woman attacked in this poem is Mucia; see, e.g., Skinner (2003) 222 n. 91. We have not seen any response to Hillard's argument.

121 Hillard (2021) 84–85. It is also a possibility that Mucia was later the subject of a scandal in 52 (a virtual orgy reported by Valerius Maximus [at 9.1.8]), but space precludes discussion of that item here.

122 Hutchinson (2012) 56 n.16 (harking back to a 2010 lecture by J.D. Morgan, citing a suggestion made by John T. Ramsey in 2007); Du Quesnay and Woodman (2021) 3; Wiseman (2023) 9–11.

123 Plin. *HN* 36.48; 37.81; Apul. *Apol.* 10.1–3 (identifying targets). For other political assaults, Brandwood (2021); Cowan (2021).

124 Green (2005) 264, with Thomson ([1997] 530) observing, as Green notes, that "half of all Catullus' 'taboo' words are to be found [there]." Cf. Skinner (2003) 118, insisting that the poem "is not (. . .) mere nastiness wallowed in for its own sake." We agree. See below.

125 The text is confronting. For candid translations which grasp the nettle, Skinner (2003) 118; Green (2005) 199; O'Bryhim (2012) 150.

126 On a misogynistic element of which, Richlin (2014) 73.

vir, or perhaps L. Paullus, active in the courts in 56,<sup>127</sup> and identified with the future consul of 50, though he was also tempted, because of the “exceedingly coarse” nature of the tirade, to believe it targeted “a person of no account.”<sup>128</sup> While we cannot confidently know, it must be remembered that the original readership, as noted above, *did*. We are unconvinced that the coarseness eliminates a target of high standing. To our knowledge, no-one has yet suggested the aforementioned M. Aemilius Scaurus, the husband of Mucia; if so, another assault on Pompey’s circle.

Further speculation beckons. If the last lines served as some sort of *coup de massue*,<sup>129</sup> might not the sudden focus on this misdirected woman indicate more than that this Aemilius is a rival to Catullus in courtship (and that the aggrieved poet was firing a warning shot across the woman’s bow)?<sup>130</sup> The final word, not one that occurs elsewhere in Catullus, perhaps offers a clue to the identities of the individuals involved. At the simplest level, the reference to a *carnifex* (butcher or public executioner) is intended to show the ‘depths’ to which such a woman would stoop. The profession of common butchers (*lanii*) was among the lowliest of the livelihoods which Cicero despised.<sup>131</sup> But there is more going on here. The role of the executioner was considered a loathsome one, invoking terror and carrying the sense of something unclean,<sup>132</sup> but the word, as a term of abuse, also had an accusatory ring.<sup>133</sup> The tag, within invective, was not uncommon; it is used by Cicero of Verres and of Piso.<sup>134</sup> Surely, however, *carnifex* had been given a special currency, in 55 (no less), during an encounter between the consul Pompey and the aged Helvius Mancia when the latter had railed against the viciousness of Pompey’s youth, labelling him an *adulescentulus carnifex* (‘Little Butcher Boy’). The confrontation and the stinging rebuke passed into vivid memory

127 Cic. *QFr.* 2.4 [SB 8].1.

128 Neudling (1955) 1; cf. Skinner (2003) 218 n. 49. See also Thomson (2003) 530; Green (2005) 272; O’Byrhim (2012) (for another possible target: the poet Aemilius Macer). Cf. Green (2005) 272: “It is impossible to identify this Aemilius, not only because of the dearth of evidence, but on account of the plethora of candidates.” Ferguson (1985) 303 is even more despairing.

129 And, in looking to a punchline, we are aware of Jocelyn’s cautioning ([1996] 253–254) that the formulae of Martial need not be imposed on Republican-era epigrams.

130 We acknowledge (i) that this is possible, and (ii) that the stunning imagery in itself might simply be intended as the climax to a succession of confronting images.

131 Cic. *Off.* 1.150.

132 Cic. *2Verr.* 5. 118; *Phil.* 11.7.

133 *OLD* s.v. ‘carnifex’ 1–3.

134 *2Verr.* 1.9 and *Pis.* 11, respectively. It had also been applied, in the wake of the summary executions of 63, to Cicero himself and to Cato; [Sall.] *In Tull.* 3 and Cic. *Dom.* 21, respectively. It has even been classed among particularly common catchwords in political contexts; Nisbet (1961) 69; 196. Yet it clearly had force. Cicero casts Verres, in an ascending register of calumny, in the role of the enemy of all things sacred (*hostem sacrorum religionumque*) and “the most cruel butcher of citizens and allies alike” (*crudelissimum carnificem civium sociorumque*; *2Verr.* 1.9), the latter serving as something of a climactic indictment (Mitchell [1986] 163–164).

and permanent record.<sup>135</sup> Pompey was the *carnifex*. Were the concluding lines of Catullus 97 *another* salvo against Mucia?<sup>136</sup> Even if not,<sup>137</sup> the point remains. Individual members of Rome's elite were being named and shamed (or slandered) in an increasingly distasteful manner.<sup>138</sup>

Generally, Catullus professed the authorization of moral outrage at public life's degradation (*Poem* 52; cf. 29). The climate into which he fed his bile, however, was one of increasing disregard for Rome's social and political elite — and public institutions.

Such incivility was broadcast in both political diatribes (and even, more casually, badinage)<sup>139</sup> and forensic character assassination.<sup>140</sup> The reference to Scaurus takes us back to the courts and public opinion with regard to the tenor of public life in 54. Cicero's reporting to Atticus (on both judicial and electoral matters) is of unrelieved disdain. Who knows what to expect? *Iudicia nosti* ("You know the courts")<sup>141</sup> — and the *campus* ("bribery is aflame", and "the consuls are consumed by the infamy").<sup>142</sup>

## Withdrawing from the Earthly

The venomous salvos adumbrated in the foregoing section bespoke (and fed) alienation, but illuminate at the same time a destructive engagement with public life. The other side of the coin was a lack of spirit amongst the elite. Cicero, as is well known, retreated into literary pursuits — and philosophy (of which more than a hint emerged in his letter to Spinther).<sup>143</sup> Others turned to the alternative vision proffered by Epicureanism.<sup>144</sup>

<sup>135</sup> Val. Max. 6.2.8. On the episode, Steel (2013).

<sup>136</sup> Alex Agnesini (2012) believes there was a modest 'Mucia-cycle' within the corpus (*un piccolo ciclo di Mucia*). We suggest *Poem* 97 could be a candidate for inclusion.

<sup>137</sup> Some may feel that the theme and placement of the poem are enough to explain its intended impact (in this case, the *os impurum*, or 'unclean mouth'); see, e.g., Forsyth (1979); Skinner (2003) 119–120.

<sup>138</sup> Krostenko explores the manner in which Catullus uses language itself as a tool of his rapier wit, closing with an exquisite image of Catullus' "feckless enemies, deftly skewered" and left excluded; (2007) 229; cf. (2001) 283–284, where the 'deftness' is compromised. Krostenko underlines the aggression, but his picture of Catullus' *lepor* is less dark than ours.

<sup>139</sup> As seen above (n. 102).

<sup>140</sup> See, e.g., Tatum (2013); Steel (2013); Yakobson (2018).

<sup>141</sup> *Att.* 4.16 [SB 89].5; cf. 4.15 [SB 90].4.

<sup>142</sup> 4.15 [SB 90].7 (*ardet ambitus*); 4.17 [SB 91].2 (*consules flagrant infamia*).

<sup>143</sup> On the shift, McConnell (2014) 44–45.

<sup>144</sup> Again, a topic that cannot be dealt with fairly here. For references, Castner (1988); Benferhat (2005). Cf. Valachova (2018) (positing political strategies behind some Epicurean associations). And David Sedley (1997) provides a thorough-going demonstration that Epicureanism might not lead an individual away from political involvement. In a similar vein, Katharina Volk ([2021] 93–110) explores the diverse ways in which upper class Roman Epicureans were successfully able to reconcile their philosophical beliefs "counselling withdrawal from public life in order to achieve the desired psychological freedom from disturbance" and their political (dis)engagement. There is the tension.

The proselytizing Philodemos of Gadara made quite a splash,<sup>145</sup> and Lucretius' work appeared at about this time (impressing even non-believers).<sup>146</sup> That was not, however, an avenue Cicero found attractive. But was his disillusionment any less profound?

In both the *de Oratore* (55 BCE) and, more relevantly, his *De Re Publica* (which he composed over the period 54 to 51 and which concentrated on ideal governance), Cicero chose to locate the dialogues in the most pessimistic of circumstances. The former was cast as taking place on the veritable eve of the destructive Italian war and virtually closes with the notice of the death of the chief interlocutor (and ideal orator), L. Licinius Crassus; the latter with a hint of the imminent death of its chief interlocutor, P. Scipio Aemilianus. Hardly coincidental;<sup>147</sup> elsewhere, we shall argue that the whole dialogue was artistically structured to highlight that pessimism.<sup>148</sup> The preface to the work's penultimate book,<sup>149</sup> opening as it does the final day of the dialogue, provides the bleakest picture available of the state-of-the-nation, the sobering observation that would so capture the attention of Christian Meier (1966):

145 He had a particular impact on L. Calpurnius Piso (*cos.* 58); Cic. *Red. sen.* 14. A bibliography is beyond our scope here.

146 Cic. *QFr.* 2.10 [SB 14].3 (February, 54). Cf. Zetzel (1998) (on Cicero's allusions to Lucretius' *de rerum natura* in the *De Re Publica* and perhaps evidence of engagement); (2017) 485. Of more than passing interest here — given the focus in the preceding section on Catullus' broadcasting of such a negative portrait of the Roman *principes* — is Lucretius' cynical view of Rome's political elite and its values (a jaundiced assessment echoed in part by Varro and Sallust); Wiseman (2010) 34–39.

147 Zetzel (1972) 176; (1995) 5–6; (2001) 97.

148 'The Pessimistic Artistry of Cicero's *De Re Publica*' (in preparation). See below, n. 157. For a reconstructed chronology that situates the preparation of the *De Re Publica* within unsettling contemporary events, see Schmidt (2001) 16. Cicero's treatise has received a great deal of attention in the last half-century (and cannot be treated as thoroughly here). See, for example, Schmidt (1974); Ferrary (1974); (1977); Nicgorski (1978) see esp. 70–71; 85; 93–99; Ferrary (1984); Nicgorski (1991); Powell (1994); Ferrary (1995); the various essays in Powell and North (2001); Narducci (2009); Zarecki (2014) 24–38, and *passim*; Mouritsen (2017) 13–15. Whereas that scholarship focuses upon this work as a window onto Cicero's 'political philosophy' (or that of Scipio Aemilianus [e.g., Barlow (2022)]), we would like to tease out, not necessarily in contradiction, Cicero's readiness to contemplate detachment from that world (despite protestations to the contrary in the work's Preface). For very different perspectives to our own, Michel (1990), seeing in the *De Re Publica* an affirmation of the system's durability, and Volk (2021) 80–81; 84–86; 89. The latter's focus is on Cicero's "political imperative", which she understandably sees as "developed at greatest length in the preface to the first book of *De re publica*" (80). For Volk, "Cicero's arguments are directed against any philosophical stance that values the contemplative over the active life" (*loc. cit.*) — and she is certainly not alone in that view. She sees nothing to contradict this reading in the *Dream of Scipio*, focussing, quite legitimately of course, on the blessed afterlife seen to reward those who had preserved, come to the aid of, and/or augmented the *patria* — though, at 85, she moves all too quickly, to our mind, over the death of Scipio which nullifies, we believe, Cicero's optimism.

149 Cic. *Rep.* 5.1–2 (as preserved by August. *De civ. D.* 2.21 and Non. 417, 7).

It is through our own faults, vices and errors (*nostris enim vitiis*), not by some accident (*non casu aliquo*), that we retain a *res publica* in word, but in reality we have long lost it (*rem publicam verbo retinemus, re ipsa vero iam pridem amisimus . . .*).<sup>150</sup>

The final book consists of the famous Dream of Scipio. In it, Scipio's grandfather, the elder Africanus, exhorts Aemilianus repeatedly (during a tour of the cosmos) not to be distracted by earthly affairs.

As I gazed still more fixedly at the earth, Africanus said: 'How long will your thoughts be fixed upon the lowly earth? Do you not see what lofty regions you have entered?' (*Rep.* 6.17)

While gazing at these wonders, I was repeatedly turning my eyes back to earth. Then Africanus resumed: 'I see that you are still directing your gaze upon the habitation and abode of men. If it seems small to you, as it actually is, keep your gaze fixed upon these heavenly things, and scorn the earthly (*illa humana contemnit*).' (*Rep.* 6.20)

The good man (in this case, *pious*) must remain on earth, imprisoned by his mortal frame and shouldering the burden of human existence for as long a time as is allotted him by the God who gave him life. That is his duty, his *munus* (*Rep.* 6.15–16).<sup>151</sup> But celebrity on the lips of men is a paltry thing (and so geographically confined as to be questioned). And the Roman world?

Now you see how small it is in spite of its proud name. (*Rep.* 6.21)

The work ends abruptly:

*ille discessit; ego somno solutus sum*

[Africanus] departed, and I awoke from my dream. (*Rep.* 6.29)

The unsettling want of elaboration would be likely to remind readers of the next generation of Virgil's sudden closure of *Aeneid* VI (with all its attendant challenges of in-

<sup>150</sup> Cf. Walters (2020) 20–21. There is scarce difference here from the utterance of Caesar judged so 'reprehensible' when he said that the *res publica* was "nothing: a name only, without form or substance" (*nihil esse rem publicam, appellationem modo sine corpore ac specie*; Suet. *Iul.* 77). Inclined though Caesar was to articulating the unspeakable (Cic. *Off.* 3.82), he intended the observation to strike home as well as to shock. The term was, in its current usage, a pliable slogan; the unquestioning veneration accorded it invited challenge. Caesar was rejecting the umbrella under which sheltered a clutter of presumptions. Chief amongst his complaints, as self-serving as it might seem to his critics, was the observation that he could not expect justice (with which he equated his *dignitas*) in the courts. For that, he would go to war; Asinius Pollio, *apud* Plut. *Caes.* 46; cf. Suet. *Iul.* 30.

<sup>151</sup> Cf. *Rep.* 6.13 where 'Africanus' in a manner unexpected (given the celestial perspective otherwise presented) counsels Scipio that nothing is more pleasing in the eyes of the *princeps Deus* than that an illustrious mortal has served the latter's earthly *patria*.

terpretation). Overall, it seems clear to us that Cicero, if not advocating, was inviting contemplation of a disengagement from earthly vainglory.<sup>152</sup>

It is not as though political commitments would give way altogether to philosophical exploration; we are not proposing any simplistic dichotomy in Cicero's mind between philosophy and the world of politics, or that Cicero regarded philosophy and politics as incompatible. He had in his twenties looked, it is true, to philosophical pursuits as an enticing alternative to the hurly-burly of the forum, but Antiochus of Ascalon, the wayward Academic, had been amongst those who encouraged him to apply himself to public affairs.<sup>153</sup> Nor are we blind to the fact that Cicero, as many would want to emphasise, opens the *De Re Publica* attacking disengagement from 'practical affairs'.<sup>154</sup> The point was seemingly reinforced in the preface to Book 3, opening the second day of the dialogue — though the tensions between the "two ways of dealing with the world" are more to the fore (see the discussion below).<sup>155</sup> Nor, in underlining the profound pessimism we discern in Cicero's view of the political scene, would we attempt to deny one of the more obvious messages of the work; Cicero later professed that his 'Scipio' had demonstrated that the early Roman state provided the best example of the ideal political community (*omnium rerum publicarum nostram veterem illam fuisse optumam*; *Leg.* 2.23; 3.12).<sup>156</sup> We would, however, emphasize that this was the 'old' Rome; the model pedestalized was steeped, it was declared, *in more maiorum*. And we are particularly guided by the manner (which we shall elaborate elsewhere) in which the dialogue is constructed. Its (technically) ominous opening (a discussion of the twin suns recently reported to the Senate) prepares the way for the finale.<sup>157</sup> Two fates await: either an authoritarian solution to Rome's political ills or

152 We do not mean to overplay the apparent intimation of a philosophical awakening. Zarecki ([2014] 16–44) persuasively argues that Cicero's position in the *De Re Publica* reflects that of Academic scepticism. This does not represent a recent 'conversion'.

153 *Plut. Cic.* 4.2–3.

154 This is effectively illuminated by Grilli (1971) 15, and underlined by Zarecki ([2014] 31–33): a proreptic aspect succinctly summarized by Zetzel (2017) 482–483; cf. Zetzel (1998) 237–240.

155 The theme of the tensions created by the relative values of philosophy and public life is explored by Zetzel (2017) see esp. 470–473 (on the "two ways of dealing with the world"). On the attempt to find reconciliation in the preface to Book 3, faced with a "set of binary oppositions", Zetzel, *loc. cit.*; cf. on the prefaces to Books 1 and 3, Grilli (1971).

156 On Cicero's professed aim, see, e.g., Paulson (2023) 123–132 (focussing on the 'guided' and constrained sovereignty of the People). Cf. Michel (1990). In a similar vein, see Humm (2021) on the manner in which communal *consensus* was so marked by, and entwined with, the *auctoritas* of the community's *principes*.

157 This was observed by Ruch (1948) (a paper, though dated, worth revisiting) see esp. 161–166; followed by Zetzel (1995) 111. Paulson (2023) 128, also notes the dramatic curtain-raiser, but moves quickly on. We would emphasize the extent to which Cicero artfully constructs the whole setting of the recreated dialogue (see above, n. 148). The historical backdrop is not historic; it is 'historical' in the same sense that historical fiction might be called 'historical'. Cicero assiduously researched his 'historical' dialogues with a view to verisimilitude and authenticity, but accuracy could be sacrificed on the altar

the death of the heralded saviour (by way of domestic violence). It was to be one or the other, and the readers — if not the interlocutors — knew the outcome (which they are meant to regard as baleful). The role of human agency is depreciated (no choice was involved).<sup>158</sup> The theme of divergent paths was underlined midway through the tract in the preface to Book 3 with reflections upon nothing less than the question of the life best lived: that of learned contemplation or that of civic activism, the former more blessed, *beatior*; the latter, the more praised and elevated in the eyes of men, *laudabilior* (. . .) *et illustrior* — though even there Cicero entertains the pious hope that a conjunction of both was not impossible (and to be sought in the guise of the ‘best man’ [*optumus*] or a *rector* deserving praise for his character as much as for his public deeds).<sup>159</sup> Yet in the preface to Book 3 the inclination is still, as it had been in the opening preface, to the latter (even if qualified). We cautiously suggest that, by the close of the 6<sup>th</sup> Book, the inclination has uncomfortably shifted. If there is a hint of vulnerable optimism in the work, it lies in the suggestion that eternal blessings rewarded human agency exercised in an honourable cause.<sup>160</sup> This was not so much a retreat into philosophy as an attraction to the unearthly and an unknowable alternative.<sup>161</sup>

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of dramatic effect; cf. Ruch (1948) 168–171; Evrard-Gillis (1977), registering other instances where Cicero takes liberties with history. The point we are making here requires more elaboration than can be supplied, but — in short — it seems clear to us that Cicero, in mid-composition, redrafted the work to locate it in the aftermath of the apparition to highlight the theme of division and threat.

158 Zetzel (1995) 228.

159 Cf. Zetzel (2017) 472–477; 482–485. Grilli ([1971] 99; 110; 133; 140; 204) points to Cicero’s attraction to the recall of the ‘Seven Sages’ as highlighting the desirable combination of wisdom and political activity. Further on the *rector*, Volk (2021) esp. 85.

160 *Rep.* 6.12, on which passage, see also Powell (1994) 21.

161 Cicero’s mercurial soul would see him, albeit with nervous reluctance, drawn back to worldly turmoil, but by the mid-40s, he was again questioning the value of his life-long commitment to the political world. How different might have been our image of Cicero if we had the full text of his *Hortensius* from that time. Only one-hundred-odd fragments survive — but some of the *testimonia* convey the inordinately important impact of the piece (which survived through to late antiquity). Most significantly, it would, after more than four centuries in circulation, convince the nineteen-year-old Augustine (fired up as he was by earthly ambition, and in particular by the power of adversarial rhetoric) that philosophy put such worldly passions for fame into perspective. His life would never be the same: “at that vulnerable age, I was mastering works of rhetoric (. . .) One of [Cicero’s] works contains a call to the love of wisdom: it is called the *Hortensius* (*sed liber ille ipsius exhortationem continet ad philosophiam et vocatur Hortensius*). That book, indeed, effected a change in my feelings (*ille vero liber mutavit affectum meum*), and also changed my prayers to you, Lord (. . .) All of a sudden every one of my vain hopes became worthless to me” (*Conf.* 3.4). Cf., for the work’s impact, August. *Conf.* 3.4 (8) (on the *amor sapientiae*); 8.7 (17); *de beata vita* 4; *De Trinitate* 14.19.26 (on this contemplative wisdom; *hanc contemplatiuam sapientiam*); *C. acad.* 1.3.7.

## Two Epilogues and a Conclusion

The Year 52 BCE saw Rome descend again into anarchy, technically speaking, and the authoritarian response was surely pivotal.<sup>162</sup> In that year, the third within the last four that Rome had entered without elected consuls, candidates for the consulship had campaigned accompanied by gangs of armed men (*factionibus armatorum succincti*).<sup>163</sup> After a riot resulting in the burning down of the Senate House and surrounding public buildings,<sup>164</sup> one mob invaded prominent homes and another began attacking anyone chanced upon in the street, city-folk and foreigner alike (ἀσπὸν ὁμοῦ καὶ ξένον), and especially those who stood out for their clothes or gold rings (καὶ μάλιστα ὅσοι ταῖς ἐσθῆσιν ἢ σφραγίσιν ἀπὸ χρυσοῦ διέφερον).<sup>165</sup> A direct reference to class violence is rare enough, but speaks volumes.<sup>166</sup> This is not adversarial engage-

<sup>162</sup> See the chapter on competitive authoritarianism by Rafferty, Vervaeke and Dart in this volume.

<sup>163</sup> Asc. 30C. For a fuller bibliography, see again the chapter on competitive authoritarianism in this volume; cf. Nippel (1988) 130–137, (1995) 80–81; Zarecki (2014) 70–72; Flaig (2022) 572–577.

<sup>164</sup> Asc. 33C.

<sup>165</sup> App. *B Civ.* 2.22.79–82.

<sup>166</sup> For the suggestion that such a consciousness went back to 133, App. *B Civ.* 1.15.63. In a stable aristocracy, as Alexis de Tocqueville observed in 1840, the poor become as accustomed to poverty as do the elite to their opulence and privilege; Tocqueville (1945) 2, 128–130; for an interesting gloss *cum* analysis, see Hereth (1986) 62–63. The problem for the Roman elite in the latter half of the 50s was that they did *not* live within a stable aristocracy, and the subtle (and not-so-subtle) alterations to social dynamics might lead to the imaginations of the poor being haunted by “the desire of acquiring the comforts of the world” (as de Tocqueville puts it). The disabusing factors in play were, of course, quite different from those which de Tocqueville observed in the nineteenth century, and a full exploration of that topic cannot be offered here. Two factors, however, spring to mind: (1) a growing sense of the unequal distribution of the financial rewards of military service; and (2) the inequalities of land tenure. (With regard to *manubiae* [booty] over which generals had direction, it is difficult to be confident how much reports of early disquiet were injected into the record by Middle and Late Republican chroniclers, but from the period of the Second Punic War such discontentment is clearly part of the historical record and an extraordinary episode in 167 BCE opens the period in which we are especially interested; Livy 45.35.9; 36.5–6; cf. Shatzman [1972] 191–202, for references). The consciousness of both factors was played upon in the rhetoric of Tiberius Gracchus in 133 BCE (Plut. *Ti. Gracch.* 9.4–5), going to the heart of the matter. These sources of social disaffection are underlined by Annelien de Dijn in her wide-ranging contribution to this volume. (She also turns to the observations of de Tocqueville.) Soldiers were drawn into the Roman imaginary according to which the ideal citizen militia was comprised of the propertied citizenry, ranked according to their holdings (a paradigm of ever-decreasing applicability, though we are not underplaying the revelations of Cadiou [2018]). The military ranking reinforced a general sense of social hierarchy, yet inclusion was predicated on a sense of equality (if only a *degree* of equality) and the differences of rank were, ideally, ‘negotiated’; Jehne (2000) (on an affable recognition of social differences); (2006). The perception of insult led to thoughts of injury. In 52, that resentment manifested itself physically.

ment; it is deep-seated disaffection. One throng sought a dictator,<sup>167</sup> the more violent element simply angry at the status quo.<sup>168</sup>

And a final note on a reluctance to engage: one of the censors of 50 (as Rome slid towards outright civil war) was Lucius Calpurnius Piso. He had, at the very least, contemplated Epicureanism.<sup>169</sup> He was, Dio reports in a curious note, censor “against his will (μὴ βουληθείς)”.<sup>170</sup>

We have offered a survey both potted and highly selective, tracing indications of multiple divisions and alienation which would evolve ultimately into the disengagement of various and varying sections of the citizenry from the state itself. This disengagement, we argue, was as insidious as the dissent and discord that marked the last century of the Republic and which exacerbated a drift towards profound disharmony, a ‘fractionalism’ as debilitating to the body politic and corrosive of the political community as the dangerous polarization adumbrated in this volume by Francisco Pina Polo.<sup>171</sup> It is appropriate to take seriously the observations of those of the ‘last generation’ who felt that by the lifetime of Caesar the state of public affairs was one of sickness.<sup>172</sup> At what point the condition might be diagnosed as a terminal illness is another matter.

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<sup>167</sup> Asc. 33C.

<sup>168</sup> The privileged would pay dearly for their lack of concern for the *miseri*; Brunt (1988) 330–338; cf. (1966) 11–18; 22.

<sup>169</sup> See above, n. 145.

<sup>170</sup> Dio Cass. 40.63.2. The item does not escape the notice of Volk (2021) 103.

<sup>171</sup> Clear-cut divisions are more easily described (though no less terrible for the fact — as Pina Polo illustrates). They equate to the factionalism that had captured the attention of political thinkers from Thucydides on (Thuc. 3.82–83 for the clearest elaboration). Fractionalism is more difficult to address.

<sup>172</sup> Such diagnoses were not confined to Cicero alone, but the bulk of our information in this regard comes from him; cf. Walters (2020) esp. 28–32. It might be that Cicero’s every second thought was self-serving (whether delusional or not) but such thoughts alternated with those of the Academic, the product of painful and painstaking contemplation. We would cite again Flower (2014) 2. See above, n. 92.

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Kit Morrell

# Enabling Laws, Rule of Law, and the Transformation of the Roman Republic

**Abstract:** Rome's transformation from republic to principate was characterised—and, to a great extent, caused—by the repeated subordination of ordinary institutions to extraordinary powers, from the dictatorships of Sulla and Caesar to the sweeping authority of the triumviral magistracy and the package of powers that constituted the principate of Augustus. It is striking that these powers were conferred legally by the people and/or senate, even in circumstances where political and military realities might have made such formalities redundant. Moreover, untraditional powers were typically framed as extraordinary and temporary—Caesar's perpetual dictatorship being, perhaps, the exception that proves the rule. This chapter assesses the significance of these 'enabling laws' and their presentation in the sources from the perspective of the rule of law. It argues that, while such measures could work to erode ordinary institutions and the rule of law, or even introduce authoritarian power, the persistent use of legal forms was significant and perhaps strategic on the part of those conferring as well as receiving extraordinary powers. Likewise, the conceptual difference between extraordinary powers and permanent constitutional change was important and reflects the endurance of republican legal culture, including the importance of law as a source of legitimacy.

The term 'enabling law' can refer to a variety of legal instruments, from laws establishing National Human Rights Institutions<sup>1</sup> to measures creating extraordinary powers or even suspending constitutional government.<sup>2</sup> In the latter sense, the term remains most strongly associated with the 'Ermächtigungsgesetz' of March 1933, which authorised Hitler's government to issue laws without the involvement of parliament, and, along with the Reichstag Fire Decree,<sup>3</sup> provided the foundation for Nazi

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1 Under the UN's Paris Principles: see Langtry and Lyer (2021) ch. 3.

2 For instance, in 2020 Hungary's prime minister Viktor Orbán took advantage of the COVID-19 pandemic to secure an enabling law authorising the government to issue laws by decree (see, e.g., Kovács [2020]). Cf., e.g., García-Serra (2001) on enabling laws in Venezuela under Hugo Chávez.

3 The 'Verordnung des Reichspräsidenten zum Schutz von Volk und Staat' of 28 February, which abolished many civil rights under the Weimar constitution and facilitated the removal of political opposition; see, e.g., Evans (2007) 67. The decree was not repealed, leading Giorgio Agamben ([2005], 2) to

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dictatorship.<sup>4</sup> The law is a classic example of the potential for democratic processes to introduce authoritarian regimes.<sup>5</sup> A related question concerns the role of law—or rule of law—within authoritarian states. Was Hitler’s regime, however evil, nonetheless a legal one? Was the Third Reich, instead, a lawless *Behemoth*?<sup>6</sup> Or was the reality somewhere in between: a hybrid or ‘dual state’ that preserved elements of the *Rechtsstaat* alongside authoritarian power?<sup>7</sup>

Similar questions<sup>8</sup> regarding the role of law pertain to Rome and its transition from republic to empire—a transition, in essence, from a participatory republic where only the Roman people had the power to elect magistrates and pass laws<sup>9</sup> to an autocratic system which, however, preserved a fiction of popular sovereignty.<sup>10</sup> One (rather extreme) example is Peter Wiseman’s assessment of Caesar as dictator:

[Caesar’s honours] were all voted on by the Roman People, and there is no reason to imagine that the People were bribed or coerced. Caesar’s power was not usurped, but granted constitutionally by the only authority competent to do so. Of course senior optimates thought the republic was dead, because their own freedom of action was curtailed. Curtailing their free-

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conclude that “from a juridical standpoint the entire Third Reich can be considered a state of exception that lasted twelve years.”

4 The enabling law (in full, the ‘Gesetz zur Behebung der Not von Volk und Reich’) was passed by parliament, but with technical unconstitutionality and the threat of violence, and following elections deformed by similar coercion; see, e.g., Evans (2007) esp. 58, 63. The law was originally adopted for four years but renewed three times before its abolition in 1945.

5 1933 remains a touchstone in discussions of other cases of authoritarianism and dictatorship, from Sulla (Hurler [1993] 175–176) to Orbán’s Hungary (Kovács [2020]). Bermeo (2003), however, emphasises the unrepresentative nature of most instances of democratic breakdown.

6 The title and thesis of Franz Neumann’s contemporary study (1944). Cf., e.g., Merli (2016) 45, denying that the Nazis or any “bad government” ever respected formal legality.

7 See Meierhenrich (2018) ch. 9, who builds on Ernst Fraenkel’s (1941) concept of the ‘dual state’ in articulating a concept of ‘authoritarian rule of law’. I return to this concept below.

8 Links were drawn at the time; e.g., Fraenkel ([1941] 13) invoked the idea of a “Caesaristic, formal plebiscitarian dictatorship” in explaining the rise of the Nazi regime.

9 On the *populus*’ sovereignty in this sense, see, e.g., Russell (forthcoming). Classic passages include Livy 7.17.12, from the Twelve Tables: *quodcumque postremum populus iussisset, id ius ratumque esset* (“whatsoever the people decreed last should have the binding force of law,” trans. Foster), and the argument for Scipio Aemilianus’ election to the consulship while a candidate for the aedileship: that “the people had authority over the elections, and could repeal or confirm whatever laws relating to the elections they liked” (App. *Pun.* 112: τὸν δῆμον εἶναι κύριον τῶν ἀρχαιρεσιῶν καὶ τῶν περὶ αὐτῶν νόμων ἀκυροῦν ἢ κυροῦν, ὃν ἐθέλοιεν, trans. McGing; cf. Livy 25.2.7 for an anachronistic statement of the same principle involving the elder Africanus).

10 See, e.g., Dig. 1.4.1.pr (Ulpian, *Institutes*, Book 1): *Quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat*. (“A decision given by the emperor has the force of a statute. This is because the populace commits to him and into him its own entire authority and power, doing this by the *lex regia* which is passed anent his authority.” Trans. Watson.) Cf., e.g., Tuori (2016) 283.

dom of action was what the Roman People wanted. It did not follow that Caesar was a despot, or that the rule of law had been abandoned.<sup>11</sup>

For Wiseman, Caesar was not a tyrant because his powers were conferred by vote of the Roman people (that is, by law). However, as the German example illustrates, the acquisition of power by legal means does not in itself guarantee a legal or un-despotic regime.<sup>12</sup> In particular, what Wiseman does not consider is that the Roman people had curtailed *their own* freedom of action, by conferring on Caesar fundamental powers of the *populus Romanus*, including the power to decide on matters of war and peace and even to choose magistrates.<sup>13</sup> No matter that they were voted by the people,<sup>14</sup> the concentration of such powers on an individual might (hypothetically) be seen as what John Keane has called ‘democide’, whereby a democracy signs away its own rights.<sup>15</sup> Moreover, even where legal forms are preserved, there is potentially a distinction to be drawn between ‘rule of law’ and ‘rule *by* law’,<sup>16</sup> or perhaps ‘authoritarian rule of law’.<sup>17</sup> Wiseman’s assessment of Caesar thus involves some problematic assumptions. On the other hand, approaching the issues in terms of the rule of law may offer useful insight into Rome’s transition from republic to empire.

‘The rule of law’ is, of course, a modern phrase. However, recent scholarship has suggested that Rome did indeed have something like a concept of the ‘rule of law’ (or a rule of law)<sup>18</sup>—namely the expectation that all citizens, including magistrates, are subject to the law (as opposed to the arbitrary actions of individuals), along with certain expectations of stability, prospectivity, and so forth (but without some of the more substantive elements sometimes bundled into the rule of law, such as protection

11 Wiseman (2009) 198. A letter published in 2013, in response to Ingo Gildenhard (2013), is still more direct (Wiseman [2013]): “Caesar was not a tyrant by any objective criterion. His powers and honours were granted constitutionally by the votes of the Senate and people, not under duress but freely (usually in his absence), and with enthusiasm as far as the Roman people were concerned.”

12 Wiseman’s assessment thus seems at best naïve, at worst dangerous, especially in view of the use that has been made of Caesar and Caesarism throughout subsequent history. See, e.g., the contributions in Griffin (2009) Part V.

13 War and peace: Cass. Dio 42.20.1. Choosing magistrates: see esp. Cic. *Phil.* 7.16 and below, with further references.

14 The sources do not always make clear whether Caesar’s powers were voted by the people and/or the senate. The most important measures were authorised by *lex*, however, certainly including Caesar’s right to choose magistrates under the *Lex Antonia* (Cic. *Phil.* 7.16) and, probably, his perpetual dictatorship (see later note).

15 Keane (2009) (esp. xxxiii for the term).

16 For the distinction, see, e.g., Tamanaha (2004) 92–93; Krygier (2012) 234–235. Where the line is to be drawn is disputed, but rule *of* law is typically seen as requiring that the government be subject to the law; cf., e.g., Steiner (2016) 137–138, who suggests a criterion of respect for human rights.

17 See, e.g., Meierhenrich (2018) ch. 9, who advocates ‘authoritarian rule of law’ as a more useful alternative to ‘rule by law’.

18 See Peachin (2017); McKnight (2017); Morrell (2023); Cowan *et al.* (forthcoming). Meierhenrich (2021) also argues for a pluralistic approach to ‘rules of law’.

for human rights or provision for judicial review).<sup>19</sup> Moreover, this concept, or aspiration, survived periods of civil war (a condition usually associated with breakdown of the rule of law).<sup>20</sup>

Indeed, it is not difficult to find statements from republican Rome that correspond to key elements of the rule of law as currently understood. A good example is Livy's programmatic statement at the opening of Book 2: "The new liberty enjoyed by the Roman people, their achievements in peace and war, annual magistracies, and laws superior in authority to men will henceforth be my theme."<sup>21</sup> There are two vital points here (to which I shall return): the superiority of laws to men and the emphasis on annual office-holding, which Livy positions as fundamental to republican *libertas*.<sup>22</sup> Furthermore, rule of law was not just a concern of our elite sources—above all, the *provocatio* laws, which protected citizens against arbitrary punishment by magistrates, illustrate the importance of law to the broader population.<sup>23</sup>

This value or expectation of rule of law helps to explain the phenomenon of enabling laws in Rome. By 'enabling laws' I mean *ad hoc* measures (as opposed to permanent reforms) that gave novel or enhanced powers to an individual (such as the various special powers conferred on Julius Caesar) or established a temporary magistracy (such as the triumvirate of the younger Caesar, Antonius, and Lepidus).<sup>24</sup> The two could be combined: for example, the *Lex Valeria* that provided for Sulla's nomination as dictator also gave Sulla enhanced powers beyond those of the traditional dictatorship.<sup>25</sup> The function of such measures was to make legal what would not ordinarily

<sup>19</sup> See Morrell (forthcoming). On the rule of law generally, see, e.g., Tamanaha (2004); Meierhenrich and Loughlin (2021).

<sup>20</sup> See Morrell (2023); cf. Cowan (forthcoming).

<sup>21</sup> Livy 2.1.1: *liberi iam hinc populi Romani res pace belloque gestas, annuos magistratus, imperiaque legum potentiora quam hominum peragam* (trans. Foster). The sentence is difficult to render in idiomatic English, but the key points are Livy's linking of freedom (literally, "this Roman people now free") with annual magistracies and "commands of laws more powerful than those of men". See also esp. Cicero's description of law as the foundation of the state and of *libertas* in *Clu.* 146.

<sup>22</sup> Livy goes on to say (2.1.7) that "you may reckon the beginning of liberty as proceeding rather from the limitation of the consuls' authority to a year than from any diminution of their power compared with that which the kings had exercised" (*libertatis autem originem inde magis quia annum imperium consulare factum est quam quod deminutum quicquam sit ex regia potestate numeres*, trans. Foster).

<sup>23</sup> The right of *provocatio* was regarded as the basis of *libertas*; see, e.g., Cic. *De or.* 2.99; Livy 3.56.6. It is significant that the *provocatio* laws (along with the *leges tabellariae*, likewise associated with *libertas*) were commemorated in coinage (*RRC* 301/1; *RRC* 270/1). For appeals to (rule of) law in a 'popular' context, see also, e.g., 'Lepidus' speech to the people in Sallust's *Histories* (fr. 1.49.4 Ramsey), linking *libertas* and "our privilege of being subject to nothing except the laws" (. . . *libertas et suae quoique sedes, neu quoi nisi legibus pareremus?*), and 'Memmius' speech in the *Jugurthine War* (esp. 31.9, 16–18). Modern discussions of the link between law (especially the *provocatio* laws) and *libertas* include Wirszubski (1950) esp. 7–9; Nicolet (1980) 317–324; Roller (2001) 229–232; Arena (2013) ch. 2.

<sup>24</sup> There is no specific Latin or Greek equivalent for the phrase. Furthermore, the measures I will consider include *senatus consulta* as well as *leges*.

<sup>25</sup> See Vervaet (2004) and below.

be legal or within the competence of an individual, in response to some temporary need or ‘emergency’ situation (often civil war).<sup>26</sup>

The period between Sulla and Augustus witnessed a multiplication of such laws, even in circumstances where figures like Sulla or Caesar could have acted on the strength of their military might, without legal authorisation.<sup>27</sup> Partly for that reason, I will suggest, these measures can be seen not merely as window-dressing on authoritarian power but as a reflection of shared values and the importance of legality in constituting legitimacy.<sup>28</sup> Moreover, in many cases, enabling laws genuinely were intended as temporary, emergency measures. On the other hand, enabling laws and extraordinary powers could undermine the rule of law by effectively elevating their beneficiaries above the law, or by disempowering the very institutions that passed the laws, and/or—more subtly—by eroding the *expectation* of compliance with law.

In what follows, I will explore this double-edged nature of enabling laws in the context of the late republic and Rome’s transformation from republic to principate. I begin with a brief overview of the most significant enabling laws and related measures enacted in the period between Sulla and Augustus, including some measures voted by the senate rather than the people,<sup>29</sup> but excluding the so-called ‘*Senatus Consultum Ultimum*’.<sup>30</sup> Further, the focus is on measures that conferred powers in the civic sphere, rather than (or as well as) military powers.<sup>31</sup> I will then consider how these measures and contemporary attitudes to them are presented in the ancient sources, with particular attention to the political and ideological significance of the use of enabling laws, as opposed to detailed discussion of content. I will argue that,

<sup>26</sup> See, e.g., App. *BCiv.* 1.98 on Sulla, Cass. Dio 42.20.1 on Caesar, and App. *BCiv.* 4.7 on the triumvirs. The ‘emergency’ formed part of the justification even when there were ulterior motives at play, or aspirations to more permanent control. For instance, Cass. Dio 42.20.1 states that “They appointed him [Caesar] arbiter of war and peace with all mankind—using the conspirators in Africa as a pretext” (καὶ πολέμων καὶ εἰρήνης κύριον, προφάσει τῶν ἐν τῇ Ἀφρικῇ συνισταμένων, trans. Cary). The reliability of these later Greek sources is considered below.

<sup>27</sup> See, e.g., Cass. Dio 41.36.4 (on Caesar) and below in the text.

<sup>28</sup> Cf. Morrell (2023), with particular focus on the importance of legality in civil war.

<sup>29</sup> Indeed, especially in the case of Caesar, it is often impossible to be sure whether a particular power was conferred by a vote of the people or of the senate, or both, due to the imprecise accounts of our (later) sources. Cf. Ramsey (2016), who shows that Pompey was elected to his sole consulship in 52, although the sources give the impression of appointment by senatorial decree.

<sup>30</sup> The so-called SCU (“final decree of the senate”, Caes. *BCiv.* 1.5.3) did not give any special powers but instead exhorted the regular magistrates to defend the state and use force if necessary, “without concerning themselves with the strict legality of what they did” (Lintott [1999] 89). It was, furthermore, vague in its terms, debated in its effect, and never ratified as *lex* (see Lintott [1999] 89–93, with further references). As such, it represents an approach to emergency situations almost opposite to the use of enabling laws, which sought to alter the law so that emergency measures would not be illegal.

<sup>31</sup> However, as extraordinary measures created by legislation, the *imperia extraordinaria* share points of contact with the enabling measures discussed here; see, e.g., Arena (2013) ch. 4; Straumann (2016) ch. 2. Augustus’ *imperium* is considered briefly below.

while the cumulation and escalation of enabling laws and extraordinary powers helped to erode republican norms and institutions, at the same time, the continued use of such measures<sup>32</sup>—even after the establishment of the Augustan principate—reflects the endurance of republican legal culture, including the importance of law as a source of legitimacy and the principle of time-limited office-holding.

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The first law to be considered, and an important precedent for later measures, is the *Lex Valeria* of 82.<sup>33</sup> This law, proposed by the interrex L. Valerius Flaccus, authorised Sulla's nomination as dictator by an interrex (rather than a consul) and conferred on him various special powers beyond those of the traditional dictatorship, including the right to declare law and carry out proscriptions.<sup>34</sup> Sulla's dictatorship was for the specified purpose *legibus scribundis et rei publicae constituendae* ("for writing laws and [re]establishing the constitution")<sup>35</sup> and, unlike the traditional dictatorship, was not time-limited, though Sulla did step down following the completion of his task.<sup>36</sup> These extraordinary measures were publicly justified by the need to restore order after civil war.<sup>37</sup>

The next example of an extraordinary civic magistracy—or, at least, a magistrate created by extraordinary means—is Pompey's sole consulship in 52. In this case, the enabling act was a decree of the senate designed to resolve the interregnum and ongoing obstruction of regular elections following the death of P. Clodius.<sup>38</sup> The novel expedient of a *consul sine collega* ("consul without a colleague") was probably chosen as an alternative to a dictatorship<sup>39</sup> and to avoid the possibility of T. Annius Milo

<sup>32</sup> That is, 'emergency', (notionally) temporary measures, as opposed to permanent constitutional reforms (or rule by force).

<sup>33</sup> For the reconstruction that follows, see Vervaeke (2004) with references.

<sup>34</sup> Cic. *Leg. agr.* 3.5; *Att.* 9.15.2 SB 183. App. *BCiv.* 1.98–99 inaccurately refers to Sulla's 'election' as dictator.

<sup>35</sup> App. *BCiv.* 1.99: ἐπὶ θέσει νόμων (. . .) καὶ καταστάσει τῆς πολιτείας.

<sup>36</sup> App. *BCiv.* 1.98–99. See below on the significance of this. The date of Sulla's abdication is uncertain, but perhaps early 79 (Vervaeke [2018]).

<sup>37</sup> According to Appian (*BCiv.* 1.98), Valerius—at Sulla's prompting—justified the need for a dictatorship and the lack of time-limit by reference to the need to stabilise Rome, Italy, and the empire after civil war. Cf., e.g., Cic. *Brut.* 311 for the view that Sulla 'restored the republic' (*recuperata res publica*).

<sup>38</sup> The key sources include Asc. 35–36C and Plut. *Cat. Min.* 47. For discussion of the evidence, as well as the mode of and reasons for Pompey's election, see Ramsey (2016). There is no evidence for the passage of a *lex*, which would have been impracticable in the circumstances of early 52 (even with exemption from the normal requirements of *promulgatio*).

<sup>39</sup> Appian (*BCiv.* 2.83), for example, comments that Pompey would have the authority of a dictator with the accountability (εὐθύνα) of a consul; cf. Plut. *Pomp.* 54.3; *Caes.* 28.7. As Ramsey (2016) 308–310 points out, however, the lack of consuls was a practical obstacle to naming a dictator without enabling legislation of an unappealingly Sullan flavour. Although the election of a single consul was a novelty, it was not entirely without precedent: in 68, the consul Q. Marcius Rex held office alone for most of

being elected consul (and thus escaping prosecution for the death of Clodius).<sup>40</sup> The motion was backed by two leading ‘optimates’, M. Bibulus and the younger Cato.<sup>41</sup> It facilitated Pompey’s election as consul,<sup>42</sup> initially without a colleague, but with provision for the election of a second consul after two months. Although not specifically attested, the senate must also have exempted Pompey from the law requiring a ten-year interval between consulships and enabled him to become consul while retaining his command (in absentia) in the two Hispaniae. Otherwise, Pompey’s powers seem to have been those of a regular consul. His sole consulship became a collegiate one with the election of Q. Metellus Scipio mid-year<sup>43</sup> and ended, as usual, at the end of 52.

Turning to Caesar, in 49, the praetor M. Aemilius Lepidus passed a law enabling himself to name Caesar as dictator for the purpose of holding elections.<sup>44</sup> This work-around was necessary because the absence of both consuls (in Greece with Pompey) left no one in Rome competent to hold consular elections or name a dictator.<sup>45</sup> The law was only the first in a confusing mass of extraordinary measures passed for Caesar’s benefit between 49 and 44, some by the people and some by the senate, bestowing his multiple dictatorships as well as numerous other powers and honours.<sup>46</sup> In some cases, the sources link these powers to a specific need or purpose (for instance, Caesar’s right to decide matters of war and peace was linked to the war in Africa: Cass. Dio 42.20.1); other grants seem to have been honorific or essentially redundant,

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the year after the deaths of his colleague and the suffect elected in his place (Cass. Dio 36.4.1; *MRR* 2.137). Furthermore, if Jahn ([1970] 26) is right that, in elections under an interrex, normally only a single consul was elected, who would then arrange for the election of a colleague, the arrangement in 52 could be seen merely as postponing the second step. However, Jahn’s reconstruction is uncertain; see Ramsey (2016) 213, with further references. Caesar would also be elected sole consul in 45 (*MRR* 2.304).

<sup>40</sup> See Ramsey (2016) 313–314. The sole consulship is sometimes seen as a means of excluding Caesar (cf. Suet. *Caes.* 26.1; Cass. Dio 40.50.3–4), but, as Ramsey notes (310–311), the Vercingetorix revolt ruled out any possibility of Caesar’s return to Italy in 52. Preventing Milo from becoming consul was probably a necessary compromise with Clodius’ supporters and a prerequisite to restoring order. Note that Asc. 54C suggests that Cato—a friend of Milo—nonetheless saw utility in removing him from the state.

<sup>41</sup> Asc. 35–36C; Plut. *Pomp.* 54.4; *Cat. Min.* 47.3; *Caes.* 28.7; App. *BCiv.* 2.23. Cf. Morrell (2017) 204–205.

<sup>42</sup> As Ramsey (2016) emphasises, Pompey was elected by the *comitia centuriata*, not appointed directly by the senate, albeit as the sole candidate (and perhaps named as such in the senate’s decree), which probably explains the sources’ inaccurate references to Pompey’s appointment by the senate: Ramsey (2016) 308. See further the chapter in this volume by Rafferty, Vervaeke and Dart.

<sup>43</sup> Plut. *Pomp.* 54.7; see further below.

<sup>44</sup> *Caes. BCiv.* 2.215. Once installed as dictator, Caesar convened the consular elections at which he himself was elected for 48 (*Caes. BCiv.* 3.1.1).

<sup>45</sup> Cic. *Att.* 9.15.2 SB 183 indicates that the *Lex Valeria* was seen as a partial precedent for the irregular nomination of a dictator.

<sup>46</sup> See Morstein-Marx (2021) 500–515; see also Lanfranchi in this volume for an overview of some of these measures. Caesar’s control over the election/appointment of magistrates is discussed in further detail below.

in view of Caesar's very broad powers as dictator.<sup>47</sup> Some of the most important powers, such as the right to nominate magistrates, were conferred by *lex*,<sup>48</sup> but the timing and technical details are frequently unclear, and cannot be discussed in detail here.<sup>49</sup> The most extreme measure Caesar accepted was the position of *dictator perpetuo*—that is, a continuous dictatorship, or dictatorship 'for life',<sup>50</sup> as opposed to the serial dictatorships already granted.<sup>51</sup> Some of Caesar's other powers included the right to assign provinces and to decide on matters of war and peace.<sup>52</sup>

The next significant enabling measure was the *Lex Titia*, passed by the tribune P. Titius in November 43 on the basis of a prior agreement between the younger Caesar, M. Antonius, and M. Lepidus. It created a new magistracy for the three men, the triumvirate *rei publicae constituendae*, initially for five years, with enhanced *imperium* and sweeping powers.<sup>53</sup> These included the right to issue edicts with the force of law and the rights to assign magistracies and provinces.<sup>54</sup> The triumvirs were specifically commissioned to bring an end to civil war,<sup>55</sup> but of course ended up fighting each other.

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<sup>47</sup> See Jehne (1987) for detailed discussion.

<sup>48</sup> A law of L. Antonius as tribune in 44 gave Caesar the right to nominate half the magistrates, with the exception of the consuls (Cic. *Phil.* 7.16; further references in Broughton *MRR* 2.323 and below). The perpetual dictatorship was probably also authorised by law; see Morstein-Marx (2021) 532 n. 196 and 644–645, citing Cass. Dio 46.17.4–5 as possible evidence.

<sup>49</sup> Our main source, Cassius Dio, typically does not specify whether the senate and/or the people voted on a particular measure (see e.g. Cass. Dio 43.51.1–3, where he says only “the Romans”; cf. Morstein-Marx [2021] 493–494); this is not always apparent from Cary's Loeb translation, which sometimes supplies “the senate” (etc.). Dio's account of powers and honours voted to Caesar is also selective (see 42.19.3–4, 43.14.7, 43.46.1).

<sup>50</sup> For the title, see e.g. *RRC* 480/8 (*DICT. PERPETVO*); Cic. *Phil.* 2.87; Suet. *Iul.* 76.1. On the meaning of *perpetuo* as ‘continuous’ or ‘permanent’ and equivalent to Greek δὴ ὅβιου (‘for life’; cf. *SEG* 39.1290), see, most recently, Morstein-Marx (2021) 532–539, with further references. Morstein-Marx ([2021] esp. 507, 533) calls the perpetual dictatorship a “new office”; as such, it was perhaps more akin to a reform (i.e., permanent constitutional change) than a temporary, enabling measure, which may be why it was more offensive than serial dictatorships and (*pace* Morstein-Marx) a key factor in Caesar's assassination; see further below.

<sup>51</sup> Caesar had previously held the regular dictatorship (*comitiorum habendorum causa*) in 49 and a one-year dictatorship in 48–47 (references in *MRR* 2.256, 272). In 46 he was granted the dictatorship for ten years (effectively a ‘ten pack’ of dictatorships: see *MRR* 2.294; Morstein-Marx [2021] 532–533), and in 44 he abdicated his fourth dictatorship to take up the perpetual office, as shown by the *Fasti Privernati*: *C. Iulius Caesar IV dict(ator) abdic(avit) ut perpet(uo?)* [—] (Zevi [2017] 11). Caesar's dictatorships thus present a clear case of escalating irregularity.

<sup>52</sup> Cass. Dio 40.20.1, 4. Notably, however, Caesar does not seem to have had the right to declare law, held by both Sulla and the triumvirs.

<sup>53</sup> App. *BCiv.* 4.7, 8; Cass. Dio 46.55.3. The Latin title *IIIvir r.p.c.* is attested on numerous coins of the period (*RRC* 489/6, *RRC* 494/3, etc.).

<sup>54</sup> For detailed discussion, see Vervaeke (2020), with references. Notwithstanding their exceptional powers, the acts of the triumvirs were also ratified, from time to time, by the senate: Cass. Dio 48.34.1; App. *BCiv.* 5.75; Vervaeke (2020) 38.

<sup>55</sup> App. *BCiv.* 4.7; Lange (2009) 18–23; Vervaeke (2020) 25.

Finally, after emerging as victor and resigning his triumviral powers,<sup>56</sup> the younger Caesar—soon to be Augustus—was the recipient of numerous special powers, including grants of *imperium (maius)* over the whole Roman world, periodically renewed, and lifelong tribunician power (in addition to his multiple consulships).<sup>57</sup> In keeping with earlier enabling laws, the most important powers seem to have been conferred by *lex* as well as decree of the senate.<sup>58</sup> Despite this extraordinary accumulation of powers, Augustus proclaimed in his *Res Gestae* that he accepted no office contrary to ancestral custom.<sup>59</sup>

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I turn now to how these measures are portrayed in the sources.<sup>60</sup> As outlined earlier, enabling laws were intended to preserve the rule of law by giving legal sanction to what would otherwise be illegal or unconstitutional acts, yet could work to undermine it by placing individuals above the law or even establishing an authoritarian regime (a.k.a. tyranny or *regnum*). Both risks were apparent to contemporaries as well as later ancient writers. The sources record numerous complaints that extraordinary powers were excessive or placed the recipients effectively above the law. Cicero, for example, commented that the *Lex Valeria* established by a law of the Roman peo-

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56 He perhaps did not abdicate from his triumvirate until January 27: see Vervae (2010), with further references.

57 See esp. *RGDA* 10 (tribunician power); Cass. Dio 53.13.1, 53.16.2 (grants of *imperium*, which Dio treats as renewals of the principate *in toto*: see Cotton and Yakobson [2002] 193–194). On these and other powers conferred on Augustus, see Ferrary (2009); Vervae (2014) ch. 7; fuller discussion is beyond the scope of this paper.

58 See, e.g., Ferrary (2009) 93 on Augustus' provincial command and (2001) 154 on the tribunician power.

59 *RGDA* 6; §5 also specifies that he refused a perpetual consulship.

60 This question presents a common problem in writing the history of this period, namely that we are frequently dependent on the accounts of later (Greek) writers, especially Cassius Dio and (for Sulla and the triumvirs) Appian. We therefore have to contend with the colouring or interpretation of those authors, as well as factual inaccuracies. However, the outline of events, powers conferred, etc. is often confirmed by other evidence (including Cicero's contemporary writings, coins, and some epigraphic evidence) and seems to be generally reliable; see, for instance, Jehne (1987) 102–104, Ferrary (2010) 9–11 and Morstein-Marx (2021) 504 on Cassius Dio's account of Caesar's powers, while Appian's account of the triumviral period seems generally well informed (note, for instance, his inclusion of the triumviral edict: *BCiv.* 4.8–11) and his treatment of Sulla's dictatorship preserves important technical details, despite his inaccurate statement that Sulla was elected dictator (see below). The contributions in Welch ed. (2015) give an overall impression of Appian as hit-or-miss in terms of accuracy but often faithful to (near-)contemporary material within an original narrative framework. Furthermore, these later accounts preserve ideas and attitudes that must go back to contemporary sources. Although space does not permit detailed consideration of these issues here, and without gainsaying important recent work on Cassius Dio's (in particular) thought and methods as an historian, I will suggest below that Dio and Appian preserve elements of contemporary responses to enabling laws and extraordinary powers (as distinct from the authors' own evaluations of monarchical power, for which see, e.g., App. *BCiv.* 1.5–6; Cass. Dio 44.1–2).

ple that Sulla's very will should be law to the Roman people.<sup>61</sup> Regarding Caesar, Cicero complained that all power had been handed over to one man.<sup>62</sup> Such complaints were certainly not unique to Cicero, as the Ides of March suggests. Plutarch claims that the extravagance of the honours voted to Caesar made him offensive even to the mildest citizens and Dio alleges popular discontent.<sup>63</sup> As for the triumvirs, their actions were so offensive and so far beyond the normal workings of law that Augustus himself saw fit to annul their illegal and unjust acts.<sup>64</sup>

Allegations of tyranny are also easy to find, and the reasoning is worth noting. Cicero described the *Lex Valeria* as introducing a tyrant (*tyrannus*) because it gave legal force to all Sulla's acts.<sup>65</sup> 'Lepidus' speech in Sallust's *Histories* complains of Sulla's tyranny (§1) and the fact that the laws, courts, treasury, provinces, foreign kings, and the life and death of all citizens were in the power of one man (§13).<sup>66</sup> For Appian, it was the lack of a time-limit that rendered Sulla's dictatorship a "full tyranny" and distinguished it from the traditional dictatorship.<sup>67</sup> Similarly, Plutarch identified the permanent dictatorship as the moment when Caesar's monarchy became "acknowledged

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61 Cic. *Verr.* 2.3.82: *Ille, de quo legem populus Romanus iusserat ut ipsius voluntas ei posset esse pro lege* ("The man [Sulla], concerning whom the Roman people had established a law that his absolute will should be the law to the Roman people", trans. Greenwood).

62 Cic. *Fam.* 4.9.2 SB 231 (to M. Marcellus, September 46): *omnia enim delata ad unum sunt. is utitur consilio ne suorum quidem, sed suo* ("All power has been handed over to one man; and he follows no counsel, not even that of his friends, except his own." Trans. Shackleton Bailey). In *Fam.* 9.26.4 SB 197 (to Papirius Paetus, 17 November? 46), Cicero questioned whether law still existed. Such comments cannot be regarded as objective political analysis, however (cf., e.g., *Att.* 2.21.1 SB 41 for Cicero's complaints of *dominatio* and the destruction of the republic in 59).

63 Plut. *Caes.* 57.2 (πρροτάτοις); Cass. Dio 44.12. Plutarch adds the suspicion that the honours were voted precisely as pretexts for assassination (§3); cf. Nic. Dam. fr. 67; Cass. Dio 44.3, 44.7.2–3.

64 Cass. Dio 53.2.5: καὶ ἀνόμως καὶ ἀδίκως ἐτετάχει (in 28 BCE). Cf. Valerius Maximus' story (6.2.12) that the jurist Cascellius refused to issue *formulae* giving effect to the triumvirs' gifts of property because they had acted outside the law.

65 Cic. *Leg. agr.* 3.5: *Omnium legum iniquissimam dissimillimamque legis esse arbitror eam quam L. Flaccus interrex de Sulla tulit, ut omnia quaecumque ille fecisset essent rata. Nam cum ceteris in civitatibus tyrannis institutis leges omnes extinguantur atque tollantur, hic rei publicae tyrannum lege constituit.* ("Of all laws I think that that is the most iniquitous and least like a law, which Lucius Flaccus, the interrex, passed in regard to Sulla—that all his acts, whatever they were, should be ratified. For, while in all other states, when tyrants are set up, all laws are annulled and abolished, in this case Flaccus by his law established a tyrant in a republic." Trans. Freese.)

66 Sall. *Hist.* fr. 49 Ramsey. Cf. §4 (the Roman people's privilege of being subject to nothing but the laws); §6 (Sulla's domination as *servitus*).

67 App. *BCiv.* 1.99: τυραννὶς μὲν γὰρ ἡ τῶν δικτατόρων ἀρχὴ καὶ πάλαι, ὀλίγῳ χρόνῳ δ' ὀριζομένη· τότε δὲ πρῶτον ἐς ἀόριστον ἐλθοῦσα τυραννὶς ἐγένετο ἐντελής. ("Even in the past the rule of the dictators had been a tyranny, but it was limited by its short duration. Now for the first time, because it was proceeding without time restriction, it became a full tyranny." Trans. McGing.)

edged tyranny”.<sup>68</sup> In the *Philippics*, Cicero implied that the perpetual dictatorship amounted to *regnum* and was inconsistent with liberty—a view he also ascribed to M. Antonius—although the traditional office had been *iustus*.<sup>69</sup> Elsewhere, of course, Cicero was less diplomatic: Caesar was a tyrant.<sup>70</sup> His handling of magistracies was another mark of *regnum*.<sup>71</sup>

But less-sweeping powers and exemptions could also undermine ordinary institutions by force of precedent, or by eroding the norms and expectations that underpin the rule of law.<sup>72</sup> The repeated use of enabling laws could create a slippery-slope effect, whereby one exception provided precedent for later, still greater departures from the usual rules.<sup>73</sup> Thus, for example, Sulla provided precedent for Caesar’s dictatorship and the powers of the triumvirs.<sup>74</sup> Again, contemporaries were aware of the risk. Already in 51, Ser. Sulpicius Rufus had warned the senate that any victor in a new civil war would be worse than those of the past, since “People think they have a right to do what others have done, but they also put in some contribution, say rather a large contribution, of their own.”<sup>75</sup> In 49, Cicero expected Caesar to use the *Lex Vale-*

68 Plut. *Caes.* 57.1: τοῦτο δ’ ἦν ὁμολογουμένη [μὲν] τυραννίς, τῷ ἀνυπευθύνῳ τῆς μοναρχίας τὸ ἀκατά-  
παυστον προσλαβούσης (“This was acknowledged tyranny: he already enjoyed a monarch’s unac-  
countability, and now he had a monarch’s permanence as well.” Trans. Pelling). By the end of his life,  
even elements of the wider population may have come to regard Caesar’s position as tyrannical, as  
reports of graffiti attest: Suet. *Iul.* 80; Plut. *Caes.* 62 and *Brut.* 9.5–6; App. *BCiv.* 1.112; Cass. Dio 40.12;  
Morstein-Marx (2021) 523–528.

69 Cic. *Phil.* 1.5: *Lux quaedam videbatur oblata non modo regno, quod pertuleramus, sed etiam regni  
timore sublato, magnumque pignus ab eo rei publicae datum, se liberam civitatem esse velle, cum dicta-  
toris nomen, quod saepe iustum fuisset, propter perpetuae dictaturae recentem memoriam funditus ex  
re publica sustulisset.* (“It seemed as though a light of sorts had dawned, with the removal not only of  
the monarchy which we had endured, but even of the fear of its recurrence; it seemed as though An-  
tonius had given the Republic a mighty pledge of his desire for a free community when, because of  
the recollection of the recent ‘Dictatorship for Life’, he totally removed from our constitution the of-  
fice of dictator, legitimate though it had often been.” Trans. Shackleton Bailey/Ramsey and Manuwald)  
Cf. 2.91.

70 See, e.g., Cic. *Att.* 14.9.2 SB 363 (17 April 44); *Off.* 2.23; *Phil.* 2.90, 117, etc.

71 E.g. Cic. *Phil.* 2.80; cf. Morstein-Marx (2021) 567 n. 335. Nic. Dam. fr. 67 attributes similar views to  
leading men as grounds for Caesar’s assassination.

72 The end of emergency powers, moreover, does not necessarily mean a return to ‘business as  
usual’.

73 By way of more recent comparison, the Weimar Republic’s reliance on enabling laws helped to  
open the way to the *Ermächtigungsgesetz* of 1933 (see, e.g., Bendersky [2018], via discussion of Carl  
Schmitt’s contemporary analysis).

74 On Sulla and Caesar, see Cic. *Att.* 9.15.2 SB 183 (quoted below) and, e.g., Hurler (1993) 172–175. Ac-  
cording to Appian’s account of the triumviral edict, the triumvirs both invoked Sulla’s precedent and  
distinguished themselves from it (App. *BCiv.* 4.10); cf. Lange (2009) 19; Vervaeke (2020).

75 Cic. *Fam.* 4.3.1 SB 202 (to Ser. Sulpicius Rufus, c. Sept. 46): *nam quod exemplo fit id etiam iure fieri  
putant, sed aliquid atque adeo multa addunt et adferunt de suo* (trans. Shackleton Bailey). This seems  
to be Cicero’s paraphrase of Sulpicius’ warning.

ria as precedent for authorising a praetor to name a dictator<sup>76</sup> and suspected Pompey of desiring a Sullan-style *regnum* if he was victorious.<sup>77</sup> As Sallust put it, in a speech assigned to Caesar, “All bad precedents have originated from good measures.”<sup>78</sup> The passage refers specifically to the Sullan proscriptions and perhaps alludes to the triumviral ones.<sup>79</sup>

It hardly needs stating that the various extraordinary powers created in the late republic helped to pave the way for Augustus’ principate,<sup>80</sup> which could be presented—not implausibly—as a retreat from the more obnoxious dominance of the triumvirs.<sup>81</sup> In addition, Caesar, for example—despite his many special powers and exemptions—nonetheless seems to have disregarded those legal and augural formalities that remained, especially towards the end of his life.<sup>82</sup> There are likewise many irregularities attested for the triumviral period.<sup>83</sup> These *may* have been covered by enabling laws (not specifically attested) but may simply reflect a slackness about legal rules on the part of men whose powers placed them virtually above the law.

From a rule-of-law perspective, some types of extraordinary power were more dangerous than others, especially those that transferred sovereign competencies of the Roman people to an individual: for example, the right to declare law without consulting the people conferred on Sulla and the triumvirs by the *Lex Valeria* and *Lex Titia* respectively. Cicero highlighted the enormity of this when he described the *Lex Valeria* as the least law-like of laws because it provided that all Sulla’s acts should have the force of law—that is, without being voted on separately by the Roman people. As noted earlier, Cicero regarded this as tyranny.<sup>84</sup> Caesar and the triumvirs were also given the right to choose magistrates. Caesar seems to have twice refused the right of direct appointment before accepting, in 44, the right to nominate half the

76 Cic. Att. 9.15.2 SB 183 (25 March 49): *sed si Sulla potuit efficere ab interrege ut dictator diceretur et magister equitum, cur hic non possit?* (“But if Sulla could arrange for a Dictator nominated by an Interrex, and a Master of Horse, why not Caesar?” Trans. Shackleton Bailey.)

77 Cic. Att. 8.22.1 SB 161, 9.7.3 SB 174, 9.10.2 SB 177, 10.7.1 SB 198. According to Cicero, both Caesar and Pompey desired *regnum*: Att. 8.22.1 SB 161 (*uterque regnare vult*).

78 Sall. Cat. 51.27: *omnia mala exempla ex rebus bonis orta sunt* (trans. Rolfe/Ramsey).

79 See Stone (2014).

80 Cf. Hurlet (2006) on Pompey’s extraordinary commands.

81 A point Augustus himself made in giving up his triumviral powers and abolishing the triumvirs’ illegal acts (Cass. Dio 53.2.5), an act perhaps commemorated on an aureus of 28 BCE with legend *leges et iura p.R. restituit* (CM 1995, 0401.1; see, e.g., Cowan [2019] 29–31).

82 For instance, in appointing magistrates in violation of the *lex annalis* (see Sumner [1971] 363–364), or the farce of the election of C. Caninius Rebilus as consul for the last day of 45, which (besides other irregularities) was conducted without valid auspices (Cic. Fam. 7.30.1 SB 265).

83 See, e.g., Cass. Dio 47.15.2 for the appointment of a serving praetor to a suffect consulship at the end of 43, the *Lex Fonteia* of perhaps 39 for the oddity of a *lex* proposed by a pontifex (RS no. 36, l. 3 with Crawford [1996] 504), and Cass. Dio 48.43.2 for the appointment of 67 praetors in 38.

84 Cic. Leg. Agr. 3.5; cf. Verr. 2.3.82; Schol. Gronov. p. 314 St.

magistrates, with the exception of the consuls (and probably the tribunes).<sup>85</sup> The power was conferred by a plebiscite proposed by L. Antonius as tribune.<sup>86</sup> In the case of the triumvirs, the power of appointment was incorporated in the *Lex Titia* and represents an escalation beyond the power accepted by Caesar.<sup>87</sup> The technical nature of these ‘nominations’ is contested,<sup>88</sup> but the effect, at any rate, was to transfer perhaps

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<sup>85</sup> The fullest source (though unfortunately unclear on details) is Cassius Dio: 43.14.5, 43.45.1, 43.47.1, 43.51.2–3. For discussion, see esp. Frei-Stolba (1967) ch. 2 (Cass. Dio 42.20.4 may mean simply that the elections were postponed so that they could take place under Caesar’s presidency: Frei-Stolba [1967] 43). The grants of 46 (curule magistrates) and 45 (all magistrates) were by decree of the senate; it seems likely that legislation would have followed if Caesar had accepted the privilege (cf. Ferrary [2010] 27, though he thinks of a power of binding *commendatio*). Bruhns ([1978] 158–163) largely agrees with Frei-Stolba but holds that Caesar did exercise the power of appointment in 45 and thus that the *Lex Antonia* of 44 restricted Caesar’s power. Jehne ([1987] 110–130) offers a different reconstruction (in 46 Caesar accepted the right to make non-binding commendations of candidates, which were prerequisite for the holding of elections, refused a right of direct appointment in 45, but in 44 accepted the right to make binding commendations for half the magistrates other than consuls). Full discussion of these issues is beyond the scope of this paper; however, I will return to some implications of Caesar’s power below. On the *Lex Antonia* and the nature of Caesar’s ‘appointments’, see the following notes.

<sup>86</sup> Cic. *Phil.* 7.16; Suet. *Iul.* 41.2; Cass. Dio 43.51.3. Cicero and Suetonius describe the law as having divided (*partitus*) the magistracies between Caesar and the people, which Frei-Stolba ([1967] 63) suggests may echo the original wording of the law. This law was probably distinct from the measure that provided for the designation of magistrates in advance (for the duration of the planned Parthian war: Cass. Dio 43.51.2); therefore, as Jehne ([1987] 127–128) notes, there is no need to assume that the *Lex Antonia* was time-limited. Cf. Morstein-Marx (2021) 497, who also suggests a link with laws increasing the numbers of quaestors, aediles and praetors. Yavetz ([1983] 127–132) is unduly sceptical of the existence of the *Lex Antonia*. The designation of magistrates in advance could likewise be seen as a sign of tyranny: Cic. *Att.* 14.6.2 SB 360 (12 April 44).

<sup>87</sup> Cass. Dio 46.55.3. The triumvirs’ exercise of this privilege showed sometimes complete disdain for traditional rules: see Millar (1973) 52 and Pina Polo (2020) 54–55 with examples. Even so, it is worth noting that the triumvirs seem to have justified their actions as ‘emergency’ measures (see, e.g., Cass. Dio 48.35.1 for the Parthian war as excuse for appointing new senators and consuls eight years in advance), though in practice their appointments were typically used as favours to supporters.

<sup>88</sup> So far as Caesar is concerned, scholarship has been largely divided between direct appointment, without the involvement of the *comitia* (see esp. Frei-Stolba [1967] 65–72, arguing for appointment by *renuntiatio* without a vote) and a process of ‘binding commendation’ followed by election, so that the secret ballot was formally preserved even for those magistrates chosen by Caesar (e.g. Jehne [1987] 110–130; the idea of the *bindende Vorschlagsrecht* goes back to Mommsen [1887] 730–732). Occam’s razor favours the former, which, while more constitutionally shocking, would have parallels in the direct appointment of legates, prefects, or the *magister equitum*; Jehne’s argument ([1987] 118–119) for binding commendation requires an imaginative reconstruction of separate candidate lists and voting urns that (as he acknowledges) is without evidential basis. For present purposes, however, it is not necessary to decide; the key distinction is between a formal, legal power and informal or arbitrary control over the elections. As for the triumvirs, it seems unlikely that their appointments were consistently approved by the *comitia*. Indeed, Cass. Dio 48.53.1 states that people in Rome were disturbed by the frequent changes in magistrates. Cf., e.g., Millar (1973) 52–53, 63; Laffi (1993) 53–54; Pina Polo (2018) 111 and (2020) 52–53.

the most fundamental power of the Roman *populus* to individuals.<sup>89</sup> In the *Philippics* (7.16), Cicero described the *Lex Antonia* as disenfranchising the Roman tribes, notwithstanding that it had been voted by the tribes. According to Nicolaus of Damascus, the fact that “the people were now rendered powerless to make appointments to office, and that Caesar was given the right of bestowing [offices] upon whomsoever he pleased” was especially displeasing to leading men and a prompt for Caesar’s assassination.<sup>90</sup> In practice, moreover, Caesar effectively chose all the magistrates,<sup>91</sup> by means of his personal authority and his discretion as dictator and magistrate presiding over elections.<sup>92</sup>

Despite these criticisms, it is striking that Romans continued to give legal form to extraordinary power, even in contexts where the beneficiaries could have relied on force of arms, and even after Augustus’ principate was well established.<sup>93</sup> A recurring theme in the sources is that the recipients of enabling laws did not truly need them. For example, Appian reports that Sulla was installed as dictator at a time “when everybody was shivering with fear and in hiding”<sup>94</sup> and Sulla was already ruling by

<sup>89</sup> Note Cass. Dio 43.14.5: “that he should have the appointment of the magistrates and whatever honours the people were previously accustomed to assign” (τὰς ἀρχὰς τὰ τε ἄλλα ὅσα τοῖσιν ὁ δῆμος πρότερον ἔνεμεν ἀποδεικνύναι). The point stands even if Caesar did not accept the power of appointing magistrates until 44 (see above). If appointments were ratified by the people, there was at least a nod to popular sovereignty, however.

<sup>90</sup> Nic. Dam. fr. 67: Μάλιστα δὲ τῶν ἐψηφισμένων ἐλύπει τοὺς ἐν τέλει τὸ καὶ τῶν ἀρχῶν ἄκυρον γενέσθαι τῆς καταστάσεως τὸν δῆμον, ἐκείνῳ δ’ αὐτὰς ἀποδίδοσθαι οἷς βούλοιο διδόναι (trans. Hall).

<sup>91</sup> A point emphasised by Cassius Dio in reporting the formal powers voted to Caesar (43.47.1, 43.51.3). Among modern works, see most recently Morstein-Marx (2021) esp. 547: “The sources make clear that the elections under Caesar had become a formality, a ritual of ratification for decisions already made by the Dictator.” As Morstein-Marx points out, we hear of no defeated candidates; see also Bruhns (1978) 164.

<sup>92</sup> The election of Caninius Rebilus to a suffect consulship on the last day of 45 is an extreme but perhaps not atypical example: the *comitia* voted, but in what seems to have been a one-horse race (Cic. *Fam.* 7.30.1 SB 265; Morstein-Marx [2021] 548 notes that the voting seems to have taken nearly four hours). In the *Philippics*, Cicero claimed that Caesar ‘ordered’ Dolabella to be elected suffect consul (2.79–80), but this use of *iubeo* is a comment on Caesar’s tyranny and his *de facto* power rather than reference to a legal prerogative: see Ramsey (2003) 275. Frei-Stolba ([1967] 66–67) suggests that the example of a *commendatio* from Caesar in Suet. *Iul.* 41.2 does not relate to the *Lex Antonia* but rather describes how Caesar proceeded in the case of magistracies *not* under his direct control.

<sup>93</sup> Put another way, given the upheavals of Rome’s civil wars and the extraordinary power wielded by individual commanders, perhaps what is most remarkable is not that the traditional roles of people and senate were diminished, but that the sanction of senate and people remained important for so long (at least as a matter of formality).

<sup>94</sup> App. *BCiv.* 1.97: πεφρικότων ὑπὸ δέους πάντων καὶ κρυπτομένων ἢ σιωπῶντων. Appian states that there was no talk of elections for this reason. (trans. McGing)

power and violence.<sup>95</sup> Cassius Dio writes that Caesar had all the powers of dictator even without the office, since he “exercised the power afforded by arms,”<sup>96</sup> and had the power to do as he pleased, even against the will of the senate and people, thanks to the size of his army (42.20.2; cf. 1). According to Plutarch, Caesar himself told the tribune L. Metellus in 49 “that there was a time for laws and a time for weapons.”<sup>97</sup> This theme comes through especially clearly in the Greek sources, but should not be discounted on that basis. Similar ideas can be found in Cicero’s letters: in July 46, for example, he complained to Papirius Paetus that Caesar was all-powerful, that legality had been forsaken, and all things now depended on one man’s will.<sup>98</sup>

Nonetheless, numerous enabling laws and related measures continued to be passed. The reasons the sources ascribe to the beneficiaries and to the senate and people are worth noting. In Sulla’s case, Appian (*BCiv.* 1.98) says that “he needed the appearance of being elected”: δεόμενος δ’ ἄρα καὶ τοῦ προσποιήματος αἰρετός εἶναι δοκεῖν (“elected”, αἰρετός, here being Appian’s misrepresentation of the process of *lex* and nomination).<sup>99</sup> Later, he comments that Sulla allowed consular elections in order to maintain the appearance of the traditional constitution.<sup>100</sup> Appian does not specify why Sulla needed, or wanted, the appearance of a democratic process, but Sulla’s methods before and afterwards suggest a preference for legal methods,<sup>101</sup> and fundamentally his aspiration was not to be a king or a conquering *hostis* but to restore the *res publica* as a Roman magistrate.<sup>102</sup>

95 App. *BCiv.* 1.98: Ὁ δὲ ἔργῳ βασιλεὺς ὢν ἢ τύραννος, οὐχ αἰρετός, ἀλλὰ δυνάμει καὶ βίᾳ . . . (“In reality Sulla was a king or tyrant ruling by power and violence, not an elected official.” Trans. McGing.) Cf. 1.99, 101.

96 Cass. Dio 41.36.4: τῇ τε γὰρ παρὰ τῶν ὀπλων ἰσχύι ἐχρῆτο (trans. Cary).

97 Plut. *Caes.* 35.6: οὐκ ἔφη τὸν αὐτὸν ὀπλων καὶ νόμων καιρὸν εἶναι (trans. Pelling). The exchange may not be historical, but see Cic. *Att.* 10.4.8 SB 195 on Caesar’s clash with Metellus over the treasury gold.

98 Cic. *Fam.* 9.16.3 SB 190: *De illo autem quem penes est omnis potestas, nihil video quod timeam, nisi quod omnia sunt incerta cum a iure discessum est nec praestari quicquam potest quale futurum sit quod positum est in alterius voluntate, ne dicam libidine.* (“As for the All-Powerful, I see no reason why I should be apprehensive, unless it be that all becomes uncertain when the path of legality has been forsaken, and that there is no guaranteeing the future of what depends on someone else’s wishes, not to say whims.” Trans. Shackleton Bailey.) Cf., e.g., Suet. *Iul.* 77.1 (citing T. Ampius Balbus, a hostile source) for the claim that Caesar himself urged others to regard his word as law.

99 However, as Frederik Vervaeke has pointed out to me, the fact that Valerius acted in accordance with a law of the *comitia centuriata* means that Sulla’s appointment can be considered tantamount to popular election and Appian’s statement imprecise rather than strictly erroneous.

100 App. *BCiv.* 1.100 (πρόσχημα τῆς πατρίου πολιτείας), 103 (including Sulla’s own election as consul).

101 See Vervaeke (2004); Straumann (2016) esp. 81–82 (arguing that Sulla proceeded “By law, but not by higher-order constitutional law—*lege*, not *iure*”). Cf. Smith (2021) esp. 47–48 on adherence to legal forms also during the *Cinnanum tempus*, although electoral competition was stifled.

102 So also Hurler (1993) esp. 174–175; see, e.g., Cic. *Dom.* 79; *Brut.* 311 for Sulla’s restoration of the republic and below for the significance of his abdication. I would add that Rome’s culture of legality was strong enough that a coup without some legal basis was not a viable prospect, in the 80s or later.

As for the people (Ρωμαῖοι, *BCiv.* 1.99), Appian says that “they believed the matter was entirely outside their control, so it was against their will that in their complete helplessness they accepted this pretense of an election as a token and semblance of freedom.”<sup>103</sup> Appian goes on to say that the dictatorship had always been tyrannical, but now became a complete tyranny (τυραννίς . . . ἐντελής) because of the lack of time-limit.<sup>104</sup> He then adds, “They did, however, add this much to give the word some respectability, that they were appointing him [Sulla] dictator for the purpose of making laws, entirely at his own discretion, and restoring the constitution.”<sup>105</sup> In other words, Appian describes the *Lex Valeria* as a kind of face-saving measure on the part of the Roman people, and suggests that they regarded the appearance or pretence of liberty as preferable to unvarnished tyranny. Two elements seem significant in this regard: the emphasis on the people’s role in voting (ὅτι αὐτὸν αἰροῦντο δικτάτορα . . .),<sup>106</sup> even though Appian is confused about the nature of the vote, and the specification of Sulla’s dictatorship as for the special purpose of writing laws and restoring the constitution—in effect, as an emergency measure. Interestingly, reading the two passages together (*BCiv.* 1.99 and 100), Appian seems to ascribe to the tyrant and the tyrannised a shared interest in the façade of constitutionality.

Dio attributes similar sentiments to the citizens and senators who voted Caesar’s special powers. He writes, “They granted him, then, permission to do whatever he wished to those who had favoured Pompey’s cause, not that he had not already received this right from himself, but in order that he might seem to be acting with some show of legal authority.”<sup>107</sup> Likewise, “because they wished still to appear to be free and independent citizens, they voted him these rights and everything else which it

<sup>103</sup> App. *BCiv.* 1.99: οὐδ’ ἐπὶ σφίσιν ἡγούμενοι τὸ ἔργον ὅλως, ἐν δὲ τῇ πάντων ἀπορίᾳ τὴν ὑπόκρισιν τῆς χειροτονίας ὡς ἐλευθερίας εἰκόνα καὶ πρόσχημα ἀσπασάμενοι (trans. McGing). Appian’s χειροτονία should be taken as referring to the law authorising Sulla’s nomination as dictator, not an ‘election’.

<sup>104</sup> App. *BCiv.* 1.99, quoted earlier.

<sup>105</sup> App. *BCiv.* 1.99: τοσόνδε μέντοι προσέθεσαν εἰς εὐπρέπειαν τοῦ ρήματος, ὅτι αὐτὸν αἰροῦντο δικτάτορα ἐπὶ θέσει νόμων, ὣν αὐτὸς ἐφ’ ἑαυτοῦ δοκιμάσειε, καὶ καταστήσει τῆς πολιτείας. In reality, the specification of Sulla’s dictatorship must have been part of Flaccus’ *rogatio*, not something added by “the people”. Nonetheless, it is interesting that Appian seems to allow the *comitia* some agency, despite their “helplessness”.

<sup>106</sup> That is, the people can be seen as formally delegating their powers to the dictator, in keeping with the nature of a law as a command of the *populus* (see, e.g., Cic. *Flacc.* 15; Livy 7.7.12; Gell. *NA* 10.20.2).

<sup>107</sup> Cass. Dio 42.20.1: τοὺς τε γὰρ τὰ τοῦ Πομπηίου φρονήσαντας ἐπέτρεψαν αὐτῷ πάνθ’ ὅ τι ποτ’ ἂν ἐθελήσῃ δρᾶσαι, οὐχ ὅτι καὶ αὐτὸς παρ’ ἑαυτοῦ οὐ τοῦτ’ ἤδη λαβὼν εἶχεν, ἀλλ’ ἵνα καὶ ἐν νόμῳ δῆ τι αὐτὸ ποιεῖν δόξῃ (trans. Cary). It is not clear whom “they” refers to in this and the next passage, but perhaps the people or particularly the leading men, as at 42.19.1. The passage describes honours and powers voted in 48.

was in his power to have even against their will.”<sup>108</sup> Like Appian, Dio attributes to Roman citizens a kind of corporate investment in the appearance of legality and constitutional freedom. Moreover, where Appian showed Sulla actively seeking a legal basis for his power, in Dio’s account of 48 the initiative appears to lie wholly with those proposing and voting Caesar’s powers, rather than Caesar himself.<sup>109</sup>

There are obvious difficulties with the way in which Appian and Dio attribute intentions and agency to the Roman people. In particular, Appian’s suggestion that the assembly was somehow responsible for the title of Sulla’s dictatorship is inconsistent with the operation of the *comitia*, which could only approve or reject measures put before them by a magistrate.<sup>110</sup> However, it does not follow that we must reject this evidence as pure invention, or interpretation, on the part of later sources.<sup>111</sup> For Cicero, too, it meant something that Sulla’s dictatorship had a legal basis, however unjust his actions: thus he wrote to Atticus in March 49 that Sulla acted legally, *iure*, though

**108** Cass. Dio 42.20.2: μὴ οὐκ αὐτῷ (πολίται τε γὰρ καὶ αὐτοτελεῖς ἔτι δοκεῖν εἶναι ἤθελον) ταῦτα τε οὕτως ἐψηφίσαντο καὶ τὰλλα πάντα <ᾗ> καὶ ἀκόντων αὐτῶν ἔχειν ἐδύνατο (trans. Cary). Cf. 41.43.5, where Dio suggests that Caesar and Pompey only bothered to hold the titles of consul and promagistrate respectively in 48 “for the sake of good repute” (τῆς μὲν φήμης ἔνεκα); 42.20.4 for the comment that the people(?) “pretended” (δῆθεν) to allot the consular provinces; and 44.8.2, where Dio claims that the senate voted Caesar honours in his absence “in order to have the appearance of doing it, not under compulsion, but voluntarily” (τοῦ μὴ δοκεῖν ἀναγκαστοὶ ἀλλ’ ἐθέλονται αὐτὰ ποιεῖν).

**109** Other evidence shows Caesar’s concern with the formal basis of his power, however—especially in 49, when he took care to secure a legal basis for his appointment as dictator and election as consul (see above and Morrell [2023] 258–259) but also, for instance, in 48, when he secured augural clearance for his year-long dictatorship (Cass. Dio 42.21.1–2), and even in 44, when he arranged a senate meeting to resolve the clash with M. Antonius over Dolabella’s election (Cic. *Phil.* 2.88; Morstein-Marx [2021] 568). See also Cass. Dio 41.43.5, quoted in the previous note.

**110** The non-matching *rogatio* and response in Livy 26.33.13, which Arena ([2013] 64 n. 95) takes for a possible example of a resolution formulated by the *plebs*, must be in error; see Ferrary in *LEPOR* no. 55. On the other hand, individual senators and magistrates—and the senate collectively—might well have acted ideologically, or strategically; see below. Though the evidence again depends on a later source, we might also compare Cato’s argument in 52 that the senate should take the initiative in giving control to Pompey (Plut. *Cat. Min.* 47, quoted below).

**111** Dio’s account of Caesar’s powers discussed above accords with his broader interest in appearances vs the reality of power: cf., e.g., Cass. Dio 46.55 on the triumvirs and 53.12 on Augustus; Rich (2012) 51–52, who also notes distortions in Dio’s picture of Augustus’ powers. However, in both those cases it is the beneficiaries who are presented as seeking legal form for their extraordinary powers, whereas in 42.20 the initiative lies with those proposing or voting powers to Caesar (who was absent at the time; cf. 43.15.1, where Dio has Caesar realise that extraordinary honours voted in his absence were motivated by fear). Furthermore, there is no reason to suspect that Dio invented the detail of the honours proposed (indeed, he specifies that he has been selective in what he reports: 42.19.3–4, 43.14.7, 43.46.1). It seems possible, therefore, that his account of the intentions of the proposers also preserves contemporary elements; cf. Morstein-Marx (2021) 504, who defends Dio’s testimony to the senators’ initiative against Ferrary’s suggestion ([2010] 11–12) that Caesar himself was behind the honours.

with the utmost cruelty.<sup>112</sup> Elsewhere, Cicero foregrounded the roles of the *populus Romanus* and Flaccus as *rogator* in creating Sulla's dictatorship.<sup>113</sup> As noted earlier, the very existence of these enabling laws suggests that legality remained important, to those in control as well as to other groups. The continued use of the assemblies and other republican institutions under Sulla, Caesar, and the triumvirs, despite their extraordinary powers, points in the same direction.<sup>114</sup>

I would suggest, therefore, that 'keeping up appearances' in this way was not simply a matter of face-saving or window-dressing on authoritarian rule. For those in power, law could be the natural and indeed preferable way of proceeding, whether we attribute this to ingrained legal culture, personal commitment to the rule of law, or the higher 'transaction costs'<sup>115</sup> of alternatives (or a combination of factors). In some cases—Sulla, perhaps, and Caesar's first dictatorship,<sup>116</sup> for example—there are grounds for seeing enabling laws as genuine (and temporary) emergency measures.<sup>117</sup> In others, we might think of something like what Ernst Fraenkel called a 'dual state',

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112 Cic. Att. 9.10.3 SB 177 (18 March 49): *at Sulla, at Marius, at Cinna recte. immo iure fortasse; sed quid eorum victoria crudelius, quid funestius?* ("It may be said that Sulla or Marius or Cinna acted rightly. Legally, perhaps; but their victorious regimes were the cruellest and most sinister episodes in our history." Trans. Shackleton Bailey.) Shackleton Bailey ([1968] 378) and Morstein-Marx ([2011] 261) regard this passage as (also) referring to Sulla's actions in 88. However, especially in the context of early 49, the more obvious reference was to Sulla's later victory and dictatorship (cf. §6 in the same letter and 8.11.2 SB 161 of 27 February). See also Vervaet (2004) 75.

113 Cic. Verr. 2.3.82 highlights the role of the people: *Ille* [sc. Sulla], *de quo legem populus Romanus iusserat ut ipsius voluntas ei posset esse pro lege*. At *Leg. agr.* 3.5, the focus is on Flaccus: *eam* [sc. *legem*] *quam L. Flaccus interrex de Sulla tulit*. See above for translations. (Context is relevant: in the first passage, Cicero is complaining that Verres acted as though he was less constrained by law than Sulla, while the second is part of an argument that Rullus' bill was worse than Flaccus'.)

114 Sulla, for instance, preferred to pass measures through the assembly rather than rely on his powers under the *Lex Valeria*; see Vervaet (2004) 49–51; cf. Hurlet (1993) 158–159 (on attested comitial laws) and Straumann (2016) 81–82 (noting the lack of evidence for any law not passed through the *comitia*). Under Caesar, the assemblies were used for lawmaking (often by other magistrates; see Yavetz [1983] chs 2–4) and at least the majority of elections (see above). Pina Polo (2020) assesses the functioning of republican institutions under the triumvirs; cf. Millar (1973) esp. 50–54.

115 Cf. Meierhenrich (2018) 249.

116 In fact, Caesar's first dictatorship was, in itself, a regular dictatorship *comitiorum habendorum causa*. It was the manner of his nomination (by a praetor) that was extraordinary and required enabling legislation. Similarly, Pompey's third consulship, though extraordinary in its creation, is not attested as having any enhanced powers (see further below).

117 This point requires consideration of the subjective perspective or intentions of the recipient (to the extent permitted by the evidence), as well as the formal character of the powers in question, irrespective of how others judged the exercise of those powers. Dio claims that the triumvirs aimed at permanent power from the outset; however, Sulla seems not to have had any such intention and Caesar's case is arguable, at least prior to the permanent dictatorship.

where elements of the antecedent legal order survive within or alongside an authoritarian regime (which seeks to be permanent).<sup>118</sup>

But we should also allow for the possibility of agency—or at least political and ideological positioning—on the part of the citizens involved in passing enabling measures (and subject to the powers thereby created). At a basic level, a vote in favour of an enabling law could be a means of avoiding some perceived worse outcome (such as anarchy or arbitrary violence) and, in that sense, a vote in favour of the rule of law.<sup>119</sup> Secondly, enabling laws, as emergency measures, by their nature envision a later return to constitutional government, and so represent an alternative to permanent constitutional change (and one that might be regarded as partly protreptic in intent).<sup>120</sup> Moreover, the legislative act in itself could be seen—or at least claimed—as an assertion of the principles of popular sovereignty and the rule of law, as Appian and Dio suggest (and indeed Caesar himself).<sup>121</sup> However great the compulsion involved, and however sweeping or damaging the powers it conferred, an enabling law was a law of the Roman people, as Cicero emphasised in referring to Sulla's dictator-

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**118** Fraenkel (1941). Meierhenrich (2018) ch. 9 adapts Fraenkel's idea of the dual state in developing a concept of 'authoritarian rule of law'. Cf. Meierhenrich (2021) 599: "Rules of law can survive, function, even thrive in the interstices of prerogative rule." The triumvirate might be seen in this way: the sources attest intention, on the part of the triumvirs, to establish permanent authoritarian power, yet legal institutions remained, and the activities of the jurists, for example (see Val. Max. 6.2.12), point to a "limited space for contestation," which Meierhenrich ([2018] 245) identifies as a hallmark of 'legal authoritarianism', as distinct from 'full authoritarianism'. As Meierhenrich points out ([2018] 245), for this form of 'legal authoritarianism' to arise requires the existence of a 'legal culture'. The phenomenon can therefore be seen as testament to the strength of republican legal culture, as can the use of enabling laws; cf. Morrell (2023).

**119** As noted above, the sources often record that enabling laws were passed in circumstances where the beneficiaries could have imposed their will without legal sanction. Cf. Waldron (1989) 94 on the risk that resistance to an unjust regime might precipitate degeneration into something worse, namely a regime entirely lacking in respect for legality.

**120** The strategy is familiar from the principate; one might compare the so-called *Lex de imperio Vespasiani*, which, in purporting to lay down legal limits, sought to have a say in how the princeps should use his essentially unlimited powers. For discussion, see Tuori (2016) 169–177. In an earlier period, note (e.g.) Cicero's praise-and-exhortation of Caesar in *Pro Marcello* (as well as an abandoned letter of advice: Cic. Att. 13.26.2 SB 286, 13.28.2 SB 299); cf. Welch (2019) esp. 283, 295–296, who interprets the *clipeus virtutis* as an honour that sought to indicate to Augustus how he was expected to behave in the future.

**121** See Caes. BCiv. 3.1 where, after reporting his own (legal) election as consul for 48, Caesar explains that he secured the return of persons exiled under the *leges Pompeiae* of 52 through legislation proposed to the people by praetors and tribunes (*praetoribus tribunisque plebis rogationes ad populum ferentibus*), "lest he give the impression of being either ungrateful in thanking them or highhanded in

ship.<sup>122</sup> Though the people's agency was more limited than Appian suggests, the notion that Sulla enjoyed his extraordinary powers only by the grace of the *populus Romanus* might well have resonated with voters (and so there may be truth to the colour of Appian's account, if not the detail).<sup>123</sup> But the mere use of legal forms served to keep those forms—and the principles they represented—alive and in the public eye, and enabled the sort of construction we find in Cicero and Appian (in retrospect, if not at the time), along with the potential for a return to republican governance in the future. In this way, as I have argued elsewhere, enabling laws could act as a kind of 'ark' or 'seed bank' for ideals of the rule of law, even while the reality was suspended.<sup>124</sup> In *De Officiis*, written after Caesar's assassination, Cicero describes something similar when he suggests that, in a free state (*libera civitas*), laws and liberty, though suppressed, inevitably will reassert themselves against tyrannical individuals.<sup>125</sup>

Decrees of the senate could function in a similar way, and in a senatorial context it is quite plausible that those proposing or voting on extraordinary measures were also flying a flag for traditional republican institutions. Indeed, the sources agree that the senators who proposed Caesar's special powers and honours acted on their own initiative and for a variety of ulterior motives, including fear, flattery, self-serving competition, and (in 44) to create grounds for assassination.<sup>126</sup> Against that background, Dio's statement that "they wished still to appear to be free and independent citizens"<sup>127</sup> warrants consideration. Robert Morstein-Marx interprets it as a suggestion that "senators were able to flatter their sense of self-importance—of still *matter-*

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anticipating a favor granted by the people" (*ne aut ingratus in referenda gratia aut arrogans in praeripiendo populi beneficio videretur*, trans. Damon).

<sup>122</sup> Cic. *Verr.* 2.3.82. Cato in Plutarch makes an analogous point about the senate's role in creating Pompey's sole consulship (*Cat. Min.* 47, quoted earlier).

<sup>123</sup> It was at least open to citizens to insist on the nature of a *lex* as *iussum populi*; cf. Arena (2013) 63–65.

<sup>124</sup> Morrell (2023) 270.

<sup>125</sup> Cic. *Off.* 2.24: *qui vero in libera civitate ita se instruunt, ut metuantur, iis nihil potest esse dementius. Quamvis enim sint demersae leges alicuius opibus, quamvis timefacta libertas, emergunt tamen haec aliquando aut iudiciis tacitis aut occultis de honore suffragiis.* ("But that those who live in a free city should contrive to be feared—could anyone be more insane? For however swamped the laws may be by some individual's influence, however freedom herself may cower, still the time comes when they rise up, through silent judgements or in the secret elections to positions of honour." Trans. Griffin and Atkins.) As Dyck ([1996] 396) notes, Cicero here seems to contradict other statements in the same book that portray Caesar as a tyrant and the *res publica* as completely lost (*Off.* 2.23, 29; cf. 3.83). However, the two positions are reconcilable if one imagines *leges* and *libertas* as dormant rather than dead.

<sup>126</sup> E.g. Nic. Dam. fr. 67; Plut. *Caes.* 57.2–3; Dio 44.7.2.

<sup>127</sup> Cass. Dio 42.20.2 (quoted earlier), on 47; cf. 44.8.2, Dio's statement that the senators acted in Caesar's absence in 44 so as to seem to act voluntarily rather than under compulsion. Cf. Morstein-Marx

ing.”<sup>128</sup> More than that, I suggest, it could be a strategy for attempting to ensure that they *did* matter. The legitimacy conferred by a popular law or decree of the senate worked both ways: it proclaimed the importance of the giver as well as empowering the beneficiary. Withholding or bestowing powers (and the legitimacy they conferred) can therefore be seen as alternative strategies, the latter perhaps more valuable where authoritarian power is more entrenched and the potential for effective resistance more limited.<sup>129</sup> It was in this period, after all, that Cato took his own life in protest against Caesar’s autocracy,<sup>130</sup> and his rationale, according to Plutarch, was likewise a statement about where power should lie;<sup>131</sup> it is not hard to imagine a disgruntled senator proposing a decree or sponsoring a law<sup>132</sup> as a demonstration of institutional propriety.<sup>133</sup> The fact that Cicero is said to have taken the lead in proposing honours for Caesar in 44 strengthens this possibility.<sup>134</sup> In short, even if a Sulla or Caesar could do what he liked against their will, it remained in the power of senators,

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(2021) 506, who emphasises the agreement of the sources that the senators acted of their own initiative and their self-serving motives.

**128** Morstein-Marx (2021) 505 (emphasis original). Ferrary, by contrast, suggest that the initiative for these honours and “*la fiction d’un pouvoir de décision du Sénat*” (“the fiction of decision-making power on the part of the Senate”) largely came from Caesar himself ([2010] with quotation at 12)—though that too would speak to the importance of legal frameworks.

**129** See below on Caesar’s power to appoint magistracies for an illustration of this. Note that, already in 49, Caesar had declared that he would dispense with the senate if it would not cooperate: Cic. *Att.* 10.4.9 SB 195; Caes. *BCiv.* 1.32.7. Arguably, in the mid-40s, the choice was not between Caesar’s way and the senate’s way, but between more- and less-legal versions of Caesar’s way.

**130** Cato committed suicide at Utica in 46. Both Cicero and Brutus proceeded to publish *Catos* (see, e.g., Cic. *Att.* 3.46.2 SB 338; Plut. *Cic.* 54.5).

**131** Plut. *Cat. Min.* 66: οὐ βούλομαι δὲ τῷ τυράννῳ χάριν ἔχειν ὑπὲρ ὧν παρανομεῖ· παρανομεῖ δὲ σὺζων ὡς κύριος, ὧν αὐτῷ δεσπόζειν οὐδὲν προσήκεν. (“I do not want to have to be grateful to the tyrant for his illegalities: and illegality is what it would be, to grant safety as if he were the master to people whom he has no right to rule.” Trans. Pelling.) Caes. *BCiv.* 3.1, quoted above, makes for an interesting comparison.

**132** The sources describe the senate voting Caesar various powers and honours, at least some of which (especially the political powers) should have required ratification by the people. It is unsurprising that our sources, which are non-technical and condense the various decrees, omit this detail, especially for 44, when the focus is on the motives of the senatorial conspirators. But any proposal made in the senate that required legislation potentially could be seen as making a point about popular sovereignty, not just senatorial independence, whether or not legislation actually followed.

**133** Such an intention could, of course, coexist with other motivations, such as creating ill-will towards Caesar.

**134** Plut. *Caes.* 57.2; Cic. 40.4–5. Cf. Morstein-Marx (2021) 512, noting M. Antonius’ later claim that Cicero had “deceived” Caesar with honours (Cic. *Phil.* 13.41). Though Cicero sometimes flattered Caesar, he was acutely interested in the legality (or otherwise) of Caesar’s actions and their implications for constitutional freedom. In addition to the passages discussed already, see, e.g., Cic. *Att.* 14.9.2 SB 363 (17 April 44), where Cicero complains that, though Caesar was dead, the defence of his *acta* and the fact of “two so-called Consul-Designates” (*duo quidem quasi designati consules*, trans. Shackleton Bailey) meant that his tyranny lived on.

legislators, and indeed voters to point out how things were supposed to be done.<sup>135</sup> By doing so, moreover—by maintaining the forms of *lex* and *senatus consultum*—they could preserve principles of popular sovereignty and republican government, and thus the possibility of restoration in the future.<sup>136</sup>

Hypothetically, such a strategy might help to explain measures passed for Caesar, often in his absence,<sup>137</sup> that seem to have conferred powers he was already exercising. For instance, Caesar already effectively controlled the outcome of all elections when the *Lex Antonia* gave him the right to appoint half the magistrates, with the exception of the consulship.<sup>138</sup> Hinnerk Bruhns argues that the law was designed to *limit* Caesar's power and protect the prestige of the consulship.<sup>139</sup> Martin Jehne rejects this argument, partly because giving Caesar the legal right to nominate magistrates would not limit his power when he was already able to determine the outcome of elections (the consulship included) by informal means.<sup>140</sup> It is plausible, however, that *nobiles* hoped to restrict Caesar's control, especially in view of the electoral aberrations of 45

<sup>135</sup> Cf. Dio's comment (44.7.2) that the senators had begun to honour Caesar "with the idea, of course, that he would be reasonable" (ἤρξαντο μὲν γὰρ τιμᾶν αὐτὸν ὡς καὶ μετριάσοντα, trans. Cary). We might also compare the actions of the augurs who, in 48, opposed Antonius' appointment as *magister equitum* on the ground that no one could hold the position for more than six months, although they had just endorsed Caesar's year-long dictatorship (Cass. Dio 42.21.1–2). Dio states that the augurs were ridiculed for being pernickety (ἀκριβολογούμενοι, §2), but we might rather see their objections as a point of principle.

<sup>136</sup> In this connection, it is worth noting Cicero's pleas for restoration of the republic, which he still thought possible in 46 (e.g. Cic. *Marcell.* esp. 23, 27; Cic. *Fam.* 4.4.3 SB 203).

<sup>137</sup> See Cass. Dio 44.8.2, quoted earlier, for the idea that the senate voted honours to Caesar in his absence in order to have the appearance of acting voluntarily.

<sup>138</sup> I.e., informally or through his powers as dictator. Caesar had previously declined the right of direct appointment for all magistracies (see above).

<sup>139</sup> Bruhns (1978) 162–163. Bruhns suggests a direct connection between the *Lex Antonia* and the desire of M. Antonius, Dolabella and others for "ein echtes Konsulat" ("a genuine consulship", 162). On the degradation of the consulship and other *honores* under Caesar, cf. Morstein-Marx (2021) 544–561. As for the other magistracies, it is debatable whether a legally-authorised direct appointment by Caesar or victory in an uncompetitive election would be less desirable.

<sup>140</sup> Jehne (1987) 124–125: "wenn er [Caesar], wie Bruhns betont, de facto die Consuln bestimmte und dieses Ziel auch ohne einen grundsätzlichen Eingriff in den Wahlmodus erreichen konnte, ist nicht zu sehen, warum die *nobiles* eine wesentliche Veränderung der Abstimmungsprozedur bei den Consulwahlen befürchtet haben sollten, und zwar so sehr, daß sie Caesar für einen Teil der Beamtenstellen die Rechte gesetzlich garantierten, die sie gerne verhindern wollten." ("If, as Bruhns emphasises, [Caesar] de facto chose the consuls and was able to achieve this goal without a fundamental intervention in the electoral process, it is not clear why the *nobiles* would have feared an essential change in voting procedure for the consular elections to the point that, for some of the magistracies, they guaranteed to Caesar by law the rights that they wanted to prevent.") I do not propose to treat Bruhns' or Jehne's arguments in full here; however, it is relevant that Bruhns—but not Jehne—thinks that Caesar had appointed Q. Fabius Maximus and C. Trebonius as suffect consuls in 45 without election (Bruhns [1978] 158–162).

and the upcoming advance elections for the period of the planned Parthian war.<sup>141</sup> The formal division of magistracies between Caesar and the people may have been intended to restrain Caesar's (informal) influence on elections for those magistrates he did not appoint himself, or at least provide grounds for criticism if Caesar overstepped his legal power,<sup>142</sup> although in practice, according to Dio, Caesar continued to choose all the magistrates himself.<sup>143</sup> Moreover, the ideological value of the law is worth bearing in mind, even as it entrenched Caesar's control over half the magistracies. By giving Caesar's control legal form,<sup>144</sup> the *Lex Antonia* can be seen as bringing arbitrary power within the rule of law (in a sense, 'making an honest man' of the dictator)<sup>145</sup> while also asserting the ultimate sovereignty of the people.<sup>146</sup>

**141** The legitimacy of Trebonius and Fabius Maximus as consuls was challenged (Suet. *Iul.* 80.2; Cic. *Fam.* 7.30.1 SB 265; cf. Cass. Dio 43.36.3), perhaps because Caesar, in an unprecedented move, had abdicated voluntarily to make way for them (Frei-Stolba [1967] 55; cf. Morstein-Marx [2021] 548–549) or, according to Bruhns ([1978] 161–162), because they had been appointed by Caesar without election. Moreover, the year ended with the notorious election of Caninius Rebilus as consul for a day (Cic. *Fam.* 7.30.1 SB 265; Cass. Dio 43.46.3–4). Against this background and reports of popular discontent (Suet. *Iul.* 80.2 records that Fabius Maximus was jeered in the theatre), compromise might well have seemed desirable and perhaps possible (so Bruhns [1978] 162–163; cf. Morstein-Marx [2021] 561–573 on the clash between Caesar and M. Antonius over Dolabella).

**142** It is perhaps worth noting that L. Antonius' brother challenged the election of Caesar's candidate Dolabella as suffect consul for 44. Cicero could speak, figuratively, of Caesar as "ordering" Dolabella's election (*Phil.* 2.79–80; see above). M. Antonius, on the other hand, was determined to obstruct it. On these events, see Morstein-Marx (2021) 564–571 and Tatum (2023) 103–105, though Tatum regards the *Lex Antonia* as friendly to Caesar (102: "otiose" but a means of "implicat[ing] the sovereign people in the operations required for Caesar's campaign").

**143** Cass. Dio 43.51.3. It may be relevant that a separate enactment provided for elections in advance, on account of the Parthian war (Cass. Dio 43.51.2; cf. Jehne [1987] 127–128 and Morstein-Marx [2021] 497, arguing for separate measures).

**144** Whether this was by direct appointment without the use of the *comitia* or some other mechanism; see above.

**145** Even if Caesar was legally able to control candidate lists etc. through his powers as dictator and magistrate presiding over the elections, those powers were not *intended* to be used to control outcomes and conduct unfree elections.

**146** That is, by voting for L. Antonius' bill, the *plebs* had both exercised its legislative power and (in effect) delegated the people's voting power to Caesar in respect of half the magistracies while reserving it with regard to the other half. See above on the link between popular sovereignty, law, and *libertas* and the nature of *leges* as *iussa populi* (since the *Lex Hortensia* of 287, plebiscites were binding on the whole people and equivalent to *leges*; see Crawford [1996] 1; Elster [2003] no. 55, with references). Admittedly, in the *Philippics* (7.16), Cicero's emphasis is on Antonius' role in depriving the tribes of their suffrage, rather than the *plebs'* vote for the law. The political and rhetorical context (Cicero's attack on the Antonii) is relevant; at the same time, the law embodies the inherent paradox of enabling laws, that an exercise of popular sovereignty can diminish the people's sovereignty (see above on this potential for 'democide'). In this case, however, the people lost little in practice, since Caesar had already usurped their freedom of choice.

Furthermore, there is no need to assume that such concerns were limited to senators. For Appian and Dio, the people were invested in proclaiming their own sovereignty, as noted above. Examples of *popularis* rhetoric in Sallust appeal to much the same sentiments.<sup>147</sup> And indeed there are hints of popular discontent with Caesar's handling of the *comitia*. In particular, Suetonius links the jeering of Fabius Maximus in the theatre and the discovery of voting tablets bearing the names of the deposed tribunes L. Caesetius Flavus and C. Epidius Marullus with popular discontent and appeals for liberators.<sup>148</sup> As Morstein-Marx has argued, Caesar's heavy-handed control of comitial votes, even after the civil war had ended, diminished his standing with the Roman people.<sup>149</sup>

A similar value attached to the principle of time-limited power. Livy (2.1.1), as we have seen, makes annual magistracies a foundation of republican liberty. Emergency powers, on the other hand, might not follow the calendar, but, by their nature, were supposed to come to an end with the emergency in question. For the most part, the importance of temporal limits was respected, even in the extraordinary circumstances of civil war and dictatorship. The most controversial aspect of Sulla's dictatorship was the lack of time-limit,<sup>150</sup> though it could be regarded as limited to the completion of a task (i.e., *ad tempus incertum*,<sup>151</sup> but not *perpetuo*<sup>152</sup>), and Sulla did indeed abdicate. Caesar's dictatorships were carefully time-limited until the last weeks of his life; even the ten-year grant in 46 took the form of ten separate annual designations.<sup>153</sup> The triumviral magistracy was created initially for a five-year term and later renewed.<sup>154</sup> Dio specifies that Caesar, Antonius and Lepidus arranged things in that way "in order not to appear to be aiming directly at an oligarchy."<sup>155</sup> And, as John Rich has shown, Augustus established permanent control over the empire through multiple renewals of provincial commands granted for five or ten years; it was not until 8 BCE that the renewals became proforma and the emergency became permanent.<sup>156</sup> Yet,

<sup>147</sup> See earlier note and Elliott in this volume for examples.

<sup>148</sup> Suet. *Iul.* 80.1–3. On the tribunes, see *MRR* 2.232 with references.

<sup>149</sup> Morstein-Marx (2021) ch. 9, esp. 526–528, 530–531, 550.

<sup>150</sup> App. *BCiv.* 1.99, discussed above.

<sup>151</sup> See Coli (1953) for the term.

<sup>152</sup> Cf. Vervae (2018) 36 on the distinction; also Morstein-Marx (2021) 535 n. 210.

<sup>153</sup> The year-long dictatorship Caesar accepted in 48 was untraditional but nonetheless time-limited (Plut. *Caes.* 51.1; Cass. Dio 42.30.3); on the designation for ten years, see *MRR* 2.294, with references. I return to the perpetual dictatorship below. It is also worth noting that Pompey's consulship in 52 was limited by the calendar year, like any other consulship.

<sup>154</sup> Its powers did not end automatically after each term, however: see Vervae (2020) 29–30.

<sup>155</sup> Cass. Dio 46.55.2–3. The quotation is at §2 (ἵνα δὲ δὴ μὴ καὶ τῆς ὀλιγαρχίας ἀντικρυς ἐφίεσθαι δόξωσι, trans. Cary).

<sup>156</sup> Rich (2012) esp. 73–78. Cf. Cass. Dio 53.16.2: τῆς γοῦν δεκαετίας ἐξελεύσεως ἄλλα ἔτη πέντε, εἴτα πέντε, καὶ μετὰ τοῦτο δέκα καὶ ἕτερα αὐθις δέκα πεμπτάκις ἃ αὐτῷ ἐψηφίσθη, ὥστε τῇ τῶν δεκετηρίδων διαδοχῇ διὰ βίου αὐτὸν μοναρχῆσαι. ("At all events, when his [Augustus'] ten-year period came to an end, there was voted to him another five years, then five more, after that ten, and again another

even then, the formality of renewal is significant: there is a wide conceptual gulf between periodic renewals and lifelong power, both in terms of the formal authority accorded to the senate/people and the theoretical possibility that powers would not be renewed if Augustus ceased to be worthy of them.<sup>157</sup> Caesar's perpetual dictatorship is, of course, is the exception to this pattern—but an exception that tends to prove the rule, insofar as his acceptance of lifelong power was a direct factor in his assassination not long afterward.<sup>158</sup> The point was not lost on Augustus, who, in his *Res Gestae*, emphasised his rejection of a perpetual consulship.<sup>159</sup> Caesar's fate thus helps to define the acceptable bounds of the exceptional.

By contrast, Caesar himself is supposed to have said that Sulla was politically illiterate because he resigned his dictatorship.<sup>160</sup> Suetonius' anecdote derives from a hostile source, T. Ampius Balbus, and may well be inauthentic;<sup>161</sup> nonetheless, it seems to reflect (or came to reflect) a fundamental difference in policy between the two dictators.<sup>162</sup> Whereas Caesar appears to have used originally temporary powers to estab-

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ten, and then ten for the fifth time, so that by the succession of ten-year periods he continued to be sole ruler for life." Trans. Cary.) Augustus' *tribunicia potestas*, however, was perpetual (RGDA 10; Cass. Dio 53.32.5–6), and Vervaeke ([2014] 267–269) argues that Augustus held the "sole and permanent *summum imperium auspiciumque* in Rome and Italy" from 19 (quotation at 268).

157 Thus—notionally, at least—Augustus' powers were subject to a kind of periodic performance review, as opposed to permanent or monarchical power, where a state could be stuck with a bad ruler until the end of his life. Cotton and Jakobson (2002) 195, similarly, view the periodic renewals as periodic reassertions of the sovereignty of senate and people and what distinguished the Augustan principate from lifelong forms of monarchical power.

158 As Jehne and others have argued, an effectively lifelong office was a significant step beyond Caesar's iterated dictatorships and a last straw as far as his detractors were concerned (Jehne [1987] esp. 38, 451; cf., e.g., Ramsey [2003] 90; Ferrary [2010] 29–30). Plutarch (*Caes.* 57) is very likely right to link the perpetual dictatorship with Caesar's assassination. Such a link is also supported by other sources (e.g. Suet. *Iul.* 76.1). Recently, Morstein-Marx has argued for a different view: that Caesar's control of the highest magistracies was a key motivation while the perpetual dictatorship was "little more than a change of title" ([2021] 561). However, as the foregoing discussion suggests, the ideological significance of the 'change of title' was very great: Caesar might not have taken the title *rex*, but a permanent dictatorship violated fundamental principles of the Roman republic, notwithstanding that it was created (probably) by a law of the Roman people.

159 RGDA 5: *Consul[atum] quoqu[e] tum annum e[st] perpetuum mihi] dela[tum non recepi]*. ("When the consulship too was conferred upon me at that time [22 BCE] for a year and in perpetuity, I did not accept it." Text and trans. Cooley.) *Perpetuum* is a supplement in the Latin but warranted by δὴ βίου in the Greek text.

160 Suet. *Iul.* 77.1: *Sullam nescisse litteras, qui dictaturam deposuerit*.

161 See e.g. Morstein-Marx (2021) 537 n. 218.

162 Cf. 'Brutus' speech in Appian (*BCiv.* 2.138): "when Sulla had destroyed his enemies he gave back the government to you, but Caesar when embarking on another long campaign set about depriving you of elections in advance for a five-year period" (ὁ μὲν τοὺς ἐχθροὺς καθελὼν ἀπέδωκεν ὑμῖν τὴν πολιτείαν, ὁ δ' ἐπὶ ἄλλῃν στρατείαν χρόνιον ἀπιὼν ἐς πενταετὲς ὑμῶν τὰ ἀρχαιρέσια προελάμβανε, trans. McGing), thus depriving the Roman people of even the hope of freedom.

lish permanent control,<sup>163</sup> Sulla acted as the beneficiary of an enabling law was supposed to do.<sup>164</sup> he resigned his powers under the *Lex Valeria* and facilitated a return to the regular system of free consular elections.<sup>165</sup> Thus, however one evaluates the substance and impact of Sulla's dictatorship,<sup>166</sup> it is appropriate to distinguish between how Sulla's powers were created and how he used them.<sup>167</sup> The end of Sulla's dictatorship shows that enabling laws did not have to be fatal to the rule of law or the system of government by annually elected magistrates.<sup>168</sup>

A further case in point is Pompey's sole consulship in 52. While other contributors in this volume have emphasised authoritarian elements,<sup>169</sup> Pompey's position can be seen as an example of how extraordinary powers could be used to address an emergency situation without ushering in a more permanent authoritarian state. As noted earlier, the senate voted for the sole consulship as a means of restoring order in the aftermath of Clodius' death. According to Plutarch, Cato justified the sole consulship in terms that read almost as a definition of what an enabling law is supposed to do:

Some argued that Pompey should preside over the elections, and at first Cato opposed the proposal, saying that the laws ought to be protecting Pompey rather than Pompey the laws. But when the anarchy persisted for a long time—three legions were surrounding the forum every day and the trouble was close to being unstoppable—Cato took the view that it was better for the senate to give control voluntarily to Pompey before it reached the stage where there was

<sup>163</sup> For present purposes, it is neither necessary nor feasible to consider the problem of *when* this became Caesar's intention.

<sup>164</sup> I.e., from a formal/institutional perspective; the substance of Sulla's actions and policies as dictator is beyond the scope of this paper.

<sup>165</sup> Plut. *Sull.* 34: οὗτω δὲ ἄρα οὐ ταῖς πράξεσιν ὡς τοῖς εὐτυχήμασιν ἐπίστευεν, ὥστε, παμπόλλων μὲν ἀνηρημένον ὑπ' αὐτοῦ, καινοτομίας δὲ γενομένης καὶ μεταβολῆς ἐν τῇ πόλει τοσαύτης, ἀποθέσθαι τὴν ἀρχὴν καὶ τὸν δῆμον ἀρχαιρεσιῶν ὑπατικῶν ποιῆσαι κύριον, αὐτὸς δὲ μὴ προσελθεῖν, ἀλλ' ἐν ἀγορᾷ τὸ σῶμα παρέχων τοῖς βουλομένοις ὑπεύθυνον ὥσπερ ιδιώτης ἀναστρέφεσθαι. ("And to such an extent did he [Sulla] put more confidence in his good fortunes than in his achievements, that, although he had slain great numbers of the citizens, and introduced great innovations and changes in the government of the city, he laid down his office of dictator, and put the consular elections [for 78] in the hands of the people; and when they were held, he did not go near them himself, but walked up and down the forum like a private man, exposing his person freely to all who wished to call him to account." Trans. Perrin.) Cf. App. *BCiv.* 1.3.

<sup>166</sup> Cicero, for instance, drew a complex chain of causation between Sulla's proscriptions, Caesar's dictatorship, crimes against allies, and the loss of republican *libertas*: Cic. *Off.* 2.27–29 with Griffin (2008) 107–108.

<sup>167</sup> Cf. Silius Italicus (13.858–860) on Sulla: *imperium hic primus rapiet, sed gloria culpae, | quod reddet solus, nec tanto in nomine quisquam | existet, Sullae qui se uelit esse secundum*. ("He will be the first to seize supreme power; but, criminal as he is, he can boast that he alone will surrender it," trans. Duff.)

<sup>168</sup> In other words, it was possible for the emergency to end, as was the expectation with the traditional dictatorship.

<sup>169</sup> Note particularly the analysis of Pompey's sole consulship from the perspective of competitive authoritarianism by Rafferty, Vervaeke and Dart in this volume.

no choice, and to use the most moderate of irregularities as a remedy to conserve what mattered most and to introduce monarchy rather than to see the civil conflict end in anarchy.<sup>170</sup>

In other words, the sole consulship was the ‘least bad’ option (“the most moderate of irregularities”) for dealing with an emergency situation and restoring law and order. The comparison is probably with the dictatorship<sup>171</sup> but also, perhaps, with Pompey’s unprecedented position in early 52 as proconsul charged with maintaining order in Rome under the terms of a so-called SCU.<sup>172</sup> The emphasis on the senate’s agency and initiative in empowering Pompey is also significant.<sup>173</sup> Similarly to Appian and Dio (discussed earlier), Plutarch depicts a senate—and Cato in particular—seeking to assert constitutional norms in the very act of proposing departure from them: it was better for the senate to give control to Pompey voluntarily and introduce monarchy itself.

**170** Plut. *Cat. Min.* 47: . . . Πομπηϊόν τινες ἤξιουν ἐπιστῆναι ταῖς ἀρχαιρεσίαις, τὸ μὲν πρῶτον ἀντεῖπεν ὁ Κάτων, οὐ τοῖς νόμοις ἐκ Πομπηϊοῦ φάμενος, ἀλλ’ ἐκ τῶν νόμων Πομπηϊῷ δεῖν ὑπάρχειν τὴν ἀσφάλειαν· ὥς δὲ πολὺν χρόνον ἀναρχίας οὐσης καὶ τριῶν στρατοπέδων τὴν ἀγορὰν ὅσημέραι περιεχόντων, ὀλίγον ἀπέλιπεν ἀνεπίσχετον γεγονέναι τὸ κακόν, ἔγνω τὰ πράγματα πρὸ τῆς ἐσχάτης ἀνάγκης εἰς Πομπηϊόν ἐκουσίῳ χάριτι τῆς βουλῆς περιστῆσαι, καὶ τῷ μετριοτάτῳ τῶν παρανομημάτων χρησάμενος ἰάματι τῆς τῶν μεγίστων καταστάσεως τὴν μοναρχίαν ἐπαγαγέσθαι μᾶλλον, ἢ περιῦδεῖν τὴν στάσιν εἰς ἀναρχίαν τελευτῶσαν (trans. Pelling). The sentiment “that the laws ought to be protecting Pompey rather than Pompey the laws” is in effect a statement of the principle of the rule of law (cf. Morrell [forthcoming]). Under the arrangement reached between Pompey and the senate, Pompey essentially was charged with protecting the laws, but was empowered to do so through a *senatus consultum* and popular election to the consulship. Arguably, the least democratic part was played by the senate in introducing the sole consulship by decree, evidently (and probably of necessity) without a *lex*, yet the sole consulship could be considered an improvement on the SCU (see below) and was ratified, in a sense, by Pompey’s election.

**171** This is explicit in Plut. *Caes.* 28.7, but see the doubts of Ramsey (2016) 308–310.

**172** Asc. 34C: *Itaque primo factum erat S. C. ut interrex et tribuni plebis et Cn. Pompeius, qui pro cos. ad urbem erat, viderent ne quid detrimenti res publica caperet, dilectus autem Pompeius tota Italia haberet.* (“And so, for the first time, a decree of the senate was passed that the interrex, the tribunes of the *plebs*, and Cn. Pompeius, who as proconsul was close by the city, should ‘see to it that the state take no harm’, and that Pompeius should recruit troops all over Italy.” Trans. Lewis.) The ‘SCU’ was passed on 1 February, close to two months before Pompey’s election as sole consul (see Ramsey [2016] 320–321 with detailed tabulation of events). Plutarch’s chronology is unclear, but the *Cato* passage (47) suggests that Cato, at least, considered the sole consulship a less illegal means of having elections held than Pompey intervening as proconsul. (On the other hand, Plut. *Pomp.* 54.2–3 and Cass. Dio 40.46.1, read together, suggest that Pompey had played a role in having elections held in 53, with Cato’s backing.)

**173** Cf. the *Caesar* (28.7), where Plutarch has Cato and the senate almost gazump Pompey’s supposed hopes of a dictatorship: Cato and his allies aimed “to satisfy [Pompey] with a more constitutional form of sole rule, so that he would not grab the dictatorship by force” (ὥς μὴ βιάσαιτο δικτάτωρ γενέσθαι, νομιμωτέρᾳ μοναρχίᾳ ἀρηγορηθεῖς, trans. Pelling). As Ramsey ([2016] 308–310) argues, however, a dictatorship was not a particularly likely or appealing prospect in 52 (see above). Furthermore, the dictatorship was a more constitutional office than a novel sole consulship. Rather, the key point behind this and the corresponding passage in the *Cato* is the senate’s agency and concern with the rule of law.

The senate's scheme went largely to plan. Pompey did indeed use his sole consulship to restore order and pass new laws, including several worthy reforms, in collaboration with the senate.<sup>174</sup> He passed laws *ex senatus consulto*; indeed, the law on provincial commands ratified a *senatus consultum* of the previous year.<sup>175</sup> When his core task was complete, he arranged for the election of a colleague,<sup>176</sup> thus turning his exceptional sole consulship into a more ordinary one, albeit with his father-in-law as colleague.<sup>177</sup> He also oversaw consular elections for 51 which returned two sound and independent-minded men (M. Claudius Marcellus and Ser. Sulpicius Rufus).<sup>178</sup> On the other hand, Pompey's command in Hispania was extended—by decree of the senate—for another five years.<sup>179</sup> Nonetheless, as with Sulla, Pompey's sole consulship shows that enabling laws and extraordinary powers could be just that: temporary expedients that gave way again to orderly republican government.<sup>180</sup> In Pompey's case, two important considerations were that his position was time-limited and—like Sulla's, only more so—based on a traditional magistracy. Pompey's consular powers were not specially enhanced and came to an end at the normal time, although his lack of a colleague for the first months of office and ongoing tenure of the Hispanian provinces made his position quite different from that of a regular consul. Fittingly, Pompey was remembered for his readiness in laying down powers, as well as his eagerness in accepting them.<sup>181</sup>

174 I have argued elsewhere that Pompey as sole consul enacted a reform programme in collaboration with Cato and the senate (Morrell [2017] ch. 7); cf. e.g. Gruen (1974) 233–239.

175 Asc. 36C; Cass. Dio 40.56.1. Thus, the senate majority was complicit in Pompey's measures, including any weakening of consular power, if that was indeed the effect of the so-called *Lex Pompeia de provinciis*; see Rafferty, Vervaeke and Dart in this volume.

176 App. *BCiv.* 2.25: Καὶ ὁ Πομπήϊος ὡς ἤδη τὰ χρήζοντα τῆς μοναρχίας διωρθωμένος τὸν Σκιπίωνα σὺναρχον ἐς τὸ λοιπὸν τοῦ ἔτους ἐποιεῖτο. ("Believing that he had now corrected the problems that required sole rule, Pompey made Scipio his colleague in the consulship for the remainder of the year." Trans. McGing.) According to Plutarch (*Pomp.* 54.8), the senate authorised Pompey to have a colleague elected after two months. Scipio was elected around mid-year: Plut. *Pomp.* 55.7 states that Pompey and Scipio were colleagues for the last five months of the year and epigraphic evidence confirms Pompey as sole consul on 6 July (*CIL* 1<sup>2</sup> 2965) but sharing the office with Scipio on 13 September (*CIL* 1<sup>2</sup> 933).

177 Q. Metellus Pius Scipio Nasica. Relatives and marriage connections sharing the consulship was hardly unusual, however.

178 According to Plutarch (*Cat. Min.* 50.3), the defeated candidate Cato accepted that the elections had been free from bribery.

179 This was not part of the sole consulship but a separate act at a later date (Plut. *Pomp.* 55).

180 As Gruen ([1974] 155) points out, the dominance of the Claudii Marcelli in the fasti for 51–49 reflects the resumption of the traditional dominance of the nobility.

181 Vell. Pat. 2.33.2: *ut qui eos ut libentissime iniret, ita finiret aequo animo et, quod cupisset, arbitrio suo sumeret, alieno deponeret* ("Entering upon each new office with the utmost eagerness, he [Pompey] would lay them aside with unconcern, and, although he consulted his own wishes in attaining what he desired, he yielded to the wishes of others in resigning it." Trans. Shipley). Cf. Plut. *Pomp.* 54.1: Καίτοι Πομπήϊος εἶπέ ποτε δημηγορῶν ὅτι πᾶσαν ἀρχὴν λάβοι πρότερον ἢ προσεδόκησε καὶ κατὰ-

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One conclusion to be drawn from the preceding survey is that enabling laws were indeed a double-edged sword. They could be used to restore order but could also cause damage—intended and unintended—to traditional government and the rule of law. That was particularly true of measures that created sweeping powers, or the cumulation of multiple laws, especially when the ‘emergency’ became permanent. In ancient Rome as today, law could be a vehicle for authoritarian power. At the same time, however, the persistent use of enabling laws highlights the importance of legality in Roman political culture and could help to preserve its essence even when the reality was suspended. This consistent preference for legal forms was thus not just a matter of window-dressing or humouring aristocratic sensibilities but a means of preserving core principles of the *res publica* and—with them—the possibility of revival.

This in turn has potential implications for how we think about the transformation of the Roman republic.<sup>182</sup> One point worth bearing in mind is the resilience of republican ideals of popular sovereignty and the rule of law.<sup>183</sup> Another is the human factor—in effect, the element of contingency. As the above examples illustrate, the impact of enabling laws depended substantially on how they were used as well as on duration and degree—that is, on the attitudes and ambitions of those in power. But the attitudes of other individuals are relevant too, and in this connection there would seem to be truth in Tacitus’ assessment that commitment to republican principles had been ground down through the prolonged experience of civil war and distance in time from the last workings of the free republic.<sup>184</sup> To come back to the problem I framed at the start, enabling laws and extraordinary powers do not have to mean abandonment of the rule of law or the destruction of democracy, but that certainly can be the effect, whether suddenly or insidiously.

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θοιτο θάπτον ἢ προσεδοκήθη. (“Still, Pompey once said in addressing the people that he had received every office earlier than he had expected, and had laid it down more quickly than others had expected.” Trans. Perrin.)

**182** Including (so to speak) the ‘point of no return’.

**183** Recent scholarship has explored the survival of these ideas into the Augustan principate (e.g. Cowan [2019 and forthcoming]; cf. other chapters in Morrell, Osgood and Welch [2019]). Recognising this resilience offers an important alternative (or at least complement) to Tacitus’ more familiar picture of rapid capitulation (*Ann.* 1.2–4).

**184** Note Tac. *Ann.* 1.3: *quotus quisque reliquus qui rem publicam vidisset?* (“How many were left who had seen a republic?” Trans. Damon.) That is, while *principles* of popular sovereignty and the rule of law survived into the principate, tolerance of compromise and irregularity increased with the passage of time and the ‘slippery slope’ effect—or, put another way, fewer senators were willing to die for those principles under Augustus than under Caesar or Sulla.

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Tim Elliott

## ***Dominari illi volunt, vos liberi esse* – Populist Reason and Rhetoric in Sallust**

**Abstract:** This chapter explores the ideological and rhetorical frameworks of populism through the lens of Sallust's writings during the late Roman Republic. Challenging prevailing interpretations that emphasize the destabilizing effects of populism, it adopts an emic perspective, analyzing how populism justifies itself ideologically. The study identifies three core elements of populism: the symbolic versus immanent construction of popular sovereignty, the dichotomous opposition of "the People" and "the Elite," and the nostalgic invocation of a moralised historical "heartland." It applies these frameworks to the speeches of Lepidus, Macer, and Memmius, highlighting how Sallust's representation of populist rhetoric totalizes diverse grievances into unified demands grounded in a moral narrative of liberty versus oppression. The analysis extends to Sallust's own historical commentary, revealing a pessimistic yet coherent worldview shaped by the tension between Rome's moral and political decline and an idealized past. This populist perspective uncovers parallels between ancient and modern populisms, particularly the role of symbolic legitimacy and the inherent tensions between democratic ideals and institutional realities.

### **Introduction**

Populism can undoubtedly be bad news for republics. Specifically, populism is bad for the way that republican institutions enact politics without (non-state sanctioned) violence, while maintaining the position of roughly the same hegemonic political class, with a sufficiently accepted aura of legitimacy. As a result, much recent scholarship on populism has focused on its effects: authoritarianism, illiberalism, anti-constitutionality, or anti-pluralism,<sup>1</sup> a perspective that echoes a view of 'demagogues' going back to antiquity.<sup>2</sup> This chapter takes a different perspective, examining the world-view expressed by one ancient Roman historian through the internal logic of populism as it sees itself, morally and ideologically, rather than the effects of its praxis. Ideological populism takes the bedrock of republican legitimacy – a symbolic and reified popular sovereignty – and enacts it. Doing so reveals a central paradoxical fault-line of republics which promise that *res publica* really is *res populi*, but are in

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<sup>1</sup> E.g., Urbinati, N. (2014), Müller (2017a, 2017b), Pappas (2019).

<sup>2</sup> See the chapter in this volume by Simonton for the rhetoric versus reality of 'demagogues', and, with reference to the populism and Caesarism in antiquity and modern reception, see the chapter by de Dijn.

fact built on complex networks of institutions that actively frustrate direct popular involvement. In this chapter, I demonstrate how Sallust contains evidence of this same ideological pattern in the final years of the Roman republic. Writing history in the late 40s,<sup>3</sup> Sallust's antagonistic *popularis* speakers and thesis of political decline can be interpreted through the complex logics of populism. This characterisation reveals an undercurrent of political thought within the Roman ideological landscape recognisable to Sallust's contemporaries as a facet of the highly consequential anti-elite – yet not entirely 'democratic' – moments of political backlash that erupted periodically, destabilising a political system that had failed to deliver the promises of politics and empire equally.

In the first part of this chapter, I sketch the complicated ideology of populism, drawn from a range of modern scholarship and pared down to three key areas. Populism is a complex, multifaceted, and at times chameleonic ideological and rhetorical position, able to take on a wide range of ontic politics.<sup>4</sup> The response of recognition it evokes – the 'I know it when I see it' of populism – is a complicated interplay of different contextual elements. No single approach can encapsulate the variances in how populism is interpreted: etic or emic, present or historical.<sup>5</sup> Indeed, this heterogeneity is crucial for analysing ancient Rome as populism changes dramatically depending on the moral and political premises of the observer.<sup>6</sup> A nascent topic of study is applying issues around populism to Roman sources, but these have often utilised etic or liberal perspectives.<sup>7</sup> This chapter is concerned with how populism justifies itself within a political system. For brevity, I focus on three key areas: the way popular sovereignty is configured as simultaneously 'immanent' and 'symbolic', the way 'the People' is constructed as an exclusive body in opposition to 'the Elite' through demands, and finally, the rhetorical creation and exploitation of 'a heartland' – a conservative imaginary, located as a historically foundational state when politics happened as it *ought* to be done.<sup>8</sup>

In the second part, I apply these facets of populism within the oft-cited '*popularis*' speeches of Sallust – those of Lepidus, Macer, and Memmius. Ernesto Laclau's structuralist approach is used as a spine, demonstrating the complex way that Sallust's

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3 All dates given are BCE unless otherwise specified.

4 Hermet (2017), (2001) 53, Taggart (2000).

5 My current project, 'People, Power, and Politics: Populism and the Late Roman Republic' interrogates the ideological landscape of the republic through different interpretations of populism. Recent work looking at populism in the late Roman republic include Mouritsen (2023) and Lundgreen (2022), as well as the chapters by Rushmer, and by de Dijn in this volume.

6 Paulina Ochoa Espejo (2017) 766 stresses that however 'general' or 'universal' approaches to populism claim to be, they are still grounded in normative claims; ideas themselves – people, elite, popular will – are necessarily constructed through *a priori* normative judgements of how those terms *ought* to be conceived.

7 See, e.g., Urso (2021), Mouritsen (2023).

8 Taggart (2000).

speakers rhetorically totalise a ‘People’ from disparate demands.<sup>9</sup> In doing so, I identify how different injustices are equivalenced to one another to form a platform, and highlight how an idea of foundational authority or sovereignty is used as the normative justification of both those demands, and the action that might be taken to fulfil them.

Finally, I examine the underlying political analysis Sallust himself expresses in the *excursus* of the monographs and fragmentary *Historiae* through the lens of the ‘heartland’ of Paul Taggart.<sup>10</sup> The end of the Roman republic is tied to the crises of competing legitimacies, and understanding the frameworks of populism in Sallust’s moral landscape enables a view of one such legitimacy.<sup>11</sup> The populism underpinning Sallust’s worldview is shown, not as an agent of illiberal anti-constitutionalism, but as a rational, coherent, albeit flawed, ideological position, responding to contemporary politics and materialities. This view colours the foundational sovereignty underpinning the political rhetoric of the speeches as the product of an implicit historical imaginary – a moral relationship between the past and the present that reinterprets Sallust’s seeming political ambivalence as populist rationality.

## Populism as Ideology

Populism is a pattern of politics which occurs in certain political systems under certain circumstances – it reveals as much about the populist politician or supporter as it does the political system that engenders it. The precise definition of that pattern is frequently debated,<sup>12</sup> but there is nevertheless an essential core feature that is universally recognisable: populism understands itself as the politics of ‘the People’ in opposition to the ‘Elite’.<sup>13</sup> This dichotomy is central; a boundary is drawn around – and importantly between – each group, which are defined in normative moral terms: the

<sup>9</sup> For a further example of how Laclau’s theoretical framework can help isolate a contingent, totalised, and discursively produced *populus*, see Zucchetti (2020) 139–200.

<sup>10</sup> Taggart (2000).

<sup>11</sup> For other sources of legitimacy see, e.g. the chapter by Morrell in this volume for discussion of enabling laws.

<sup>12</sup> See Frank (2017) 630–636 for an overview.

<sup>13</sup> Mudde (2004); Sallust’s *populus* examined in this chapter is a partial *populus*, the people-as-part, but configured in light of the *populus* as the entire polity – straddling two of the polysemic distinctions of *populus*; Hellegouarc’h (1963) – a tension particularly prevalent in Cicero; see, e.g. Moatti (2018), Lundgreen (2021). Hölkeskamp (1995) identifies something similar as universal in speeches *ad populum*, equivalencing the assembled crowd and sovereign *populus*; Zucchetti (2020) 142–151 finds the distinction between symbolic and immanent fails for subjectivising what he better terms ‘multitudes’; this chapter focuses on the contingent rhetorical construction of the *populus* as a component in a populist ideology, rather than seeking to subjectivise the *populus* in a historical role as a political agent.

'People' is pure, morally good, and possesses constitutional legitimacy and authority, while the 'Elite' is corrupt and terminally self-interested.<sup>14</sup>

Populism has usually been described as purely a modern phenomenon;<sup>15</sup> I propose that the facets of a political system that appear to be prerequisite for populism to occur are not in themselves uniquely modern. This prerequisite political system has a strong culture of popular representation and participation as a primary source of legitimacy, while having, at the same time, systemic and materially meaningful counters to actual popular or participative power through the form and organisation of its institutions, conventions, and/or laws.<sup>16</sup> In addition to this idea of legitimacy, populism requires a political system in which there is a perceptible (real or imagined) divide between those who are subject to, and those who execute, state power. By extension, some political organisation structures cannot, in principle, be populist. Feudal monarchies have no presumption of popular sovereignty; likewise, theocratic polities have different loci of legitimacy. In ancient democratic Athens, too, there is little space for populism to be discursively produced; those that *symbolically* rule in the rhetoric of legitimacy are, through the function of the *ekklesia*, too numerically identical to those that *actually* rule in practice – the 'sovereignty gap' is too narrow.

This concept of a 'sovereignty gap' is important in understanding populism as a rational ideological position. While populism is at times reduced to the problem of 'illiberalism' or 'anti-pluralism',<sup>17</sup> these are secondary characteristics – knock-on effects of populism for political systems which are predicated on liberalism and/or pluralism. Rather, core to populist ideologies as they are earnestly felt and expressed is the perennial question of legitimacy.<sup>18</sup> Popular sovereignty can be considered as composed of two Hobbesian strands: on the one hand 'legal' sovereignty, as we find in direct-democratic institutions through which a sovereign *demos* executes legislation directly, and, on the other hand, indirect 'constituent' or symbolic sovereignty, which exists as a power 'above' and 'apart' from politics – a final, overarching, yet 'sleeping'

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14 Mudde (2004).

15 Nevertheless, populist analyses have been made in more distant historical contexts, for instance, the US popular party, Postel (2007), Goodwyn (1976); Boulangism in the French Third Republic, Mudde (2017) 365–367, Hutton (1976); and the *narodniki* of the late Russian empire, Clarke (2002), Mudde (2004); these nineteenth-century populisms are often presented as 'ancestors' to twentieth-century populisms, however Hawkins, Read and Pauwels (2017) 270–274 argue that their roots stem more from the conceptions of popular sovereignty that emerged during the revolutionary movements of France and the United States in the late eighteenth-century.

16 I use the term 'popular sovereignty' to refer to a loosely-defined conception of legitimacy stemming from the *populus*. For discussions of sovereignty in the *res publica*, see Arena (2016), Hammer (2022). See further the discussion on the validity of comparing Roman and modern political systems in the Introduction to this volume.

17 Kauth and King (2020).

18 Mackie (1992) esp. 52–59.

sovereign which is uninvolved with actual law-making.<sup>19</sup> Symbolic sovereignty is the language of legitimacy that binds a system together; a vote may be gerrymandered or iniquitous, but nevertheless it is empowered by an idea of the legitimacy of the People. That 'People' is symbolic – it is not expressed by any group claiming to be every *physical* person that constitutes the citizenry of a polity, but rather extends inclusively to incorporate the whole polity. It is diachronic, non-corporeal, and nonspecific, applying as much to a referendum as to a law of the legislature or edict of the executive. In Rome, this is the *populus Romanus* made up of all citizens, plebeian and patrician, noble and non-noble – the *populus* as the continuous polity extending forward and backwards in time. 'Legal' sovereignty, on the other hand, is enacted by an 'immanent' People. This entity, unlike its symbolic counterpart, is the embodiment of the legitimising act itself, when real massed people enact real interventions.<sup>20</sup> It is the language of symbolic popular sovereignty realised as action; 'the People have spoken' is realised in a legal sense as 'a' People that actually speaks. It exists synchronically – appearing during moments in time and in space, as the crowd or multitude.

Roman popular authority exists between these strands. It is highly symbolic (indeed, often, 'ritualised'),<sup>21</sup> yet possesses an important locus of executive power through *comitia*, elections, and a broad – though heavily constrained – participatory role.<sup>22</sup> It is within the tension between the symbolic idea of the *populus* as sovereign, and its constrained role in politics, that populism exists. Populism is the expression of the gap between the foundational normative democratic language ("the People are sovereign", "the will of the People", "the People have spoken", etc.) of a participative system, and the way it actually functions – what the theorist Norberto Bobbio has called the 'broken promises' of democracy.<sup>23</sup>

The populist social rationality is the understanding that the symbolic and ubiquitous language of popular sovereignty does not match the lived reality of political

19 Yack (2001) 517–336, Wolkenstein (2019) 338–339; see also Habermas' attempts to reconcile these functions of sovereignty (1996, 1998), cf. Mouffe (2005) 8, 80–120; Rawls (1996) 409–421; conflicting interpretations lead directly to differing normative ideas about the exercise of legitimacy: 'radically', as in e.g. Canovan (2005), Ochoa Espejo (2011) or 'indirectly', e.g. Pettit (2012), Müller (2017a); see Wolkenstein (2019) 339 for a broad overview; the 'sleeping sovereign' was originally coined by Hobbes in *De Cive*, see Tuck (2016) 63–120.

20 The internal tension of defining the People either 'as-part' or 'as-whole' has a long provenance from the early modern period onwards (cf. Rosanvallon [2020]), but is a polyvalence that clearly emerges in Roman republican distinctions where '*populus*' can mean both *multitudini*, and the community as a whole; cf. Lundgreen (2022) 189–190.

21 Flaig (2003); Hölkeskamp (2011); Mouritsen (2017) 54–104.

22 Whether as an audience at *contiones*, through mass demonstration, or enacting political violence; for a broad overview of the political authority and purview of the massed *populus* see Lintott (1999) *passim*, esp. 38, 49–61, 64, 122, Millar (1998), Morstein-Marx (2004), Mouritsen (2017) 67–72, Brunt (1988) 342–346, Yakobson (2010) 15–34.

23 Bobbio (1987) 27–35; cf. Müller (2017b) 29–30.

power. It is in many ways a straightforward and rational response to crisis, yet contains a central flaw: the legitimating rhetoric of symbolic sovereignty is itself drawn from the language of the institutions state, yet these institutions, by design, do not enable legal, direct, popular sovereignty, but rather frustrate it. By seeking to ‘cash the cheque’ issued by a hegemonic narrative of popular sovereignty, a real, synchronic group needs to be constructed: a unitary People with a voice, will, and agency.<sup>24</sup> A finite but disparate People must be imagined into a single univocal entity. This structure has far-reaching implications for the stability of the systems that engender it; a univocal sovereign is incompatible with the polyvalence of a politics of checks, balances, and the ‘mixed constitution’.

Ernesto Laclau provides a useful model of how this univocal People emerges in structural terms. In brief, Bobbio’s ‘broken promises’ can be thought of as unfulfilled demands made by one or more parts of the political community – for example, for food security, political representation, or a share of the spoils of empire in the form of land or elite- or civic-sponsored euergetism. These demands are disparate, yet in the face of recalcitrance from opposition they become equivalenced to one another as each demand becomes linked through a shared, ‘empty signifier’.<sup>25</sup> As the term implies, this signifier is not a concrete demand in itself, but a watchword, slogan, or rallying call that comes to encapsulate all demands through what is in some way lacking in each case. Through the adoption of watchwords like ‘peace and bread’, ‘liberty’, and indeed, ‘the People’, the partial group becomes a totality: individual group demands, are rhetorically flattened to represent a *populus* in its own right. Nevertheless, it is a sharply defined and immanent *populus* which is placed in a dichotomous, antagonistic frontier against an equally immanent ‘Elite’. The corollary of this process whereby the ‘People’ becomes tangible is that it is in fact, highly plastic – it is a binary category that must be stretched in specific ways across specific demands to demonstrate a clear boundary delineating who does, and does not, constitute the People.

Understanding this dichotomy in relation to its moral justification through the hegemonic, institutional language of popular sovereignty sheds light on what can seem like a paradoxical conservatism in populist discourse: populism routinely appears to be about restoration rather than revolution – a movement for change that consistently looks backwards. This prominent feature of populism, seen in the political slogans of populist campaigns to ‘take *back* control’ or ‘make America great *again*’, exists deep in the ideological fabric of populist movements. Paul Taggart asserts that the appeal to the People itself stems from something more primal, emotional, and implicit – the ‘heartland’. A historical imaginary, this psychosocial sense of legitimacy is characterised by ‘a romanticised ordinariness that invokes a core constituency for the

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<sup>24</sup> For a discussion of the *voluntas populi* in populist terms in Cicero, see Lundgreen (2022), cf. Arena (2016).

<sup>25</sup> Used here in the sense of Laclau (2005) 69, 104–106.

centre-ground politics of common-sense'.<sup>26</sup> It is an emotionally configured worldview that looks backward and inward to an idealised past to turn the crisis of the present into a crisis of legitimacy against which an ideological position can be anchored.

## Populist Rhetoric in Lepidus, Macer, and Memmius

The speeches of Lepidus, Macer, and Memmius are examples of a rhetorical 'type'; Sallust is attempting to create – if not historical accuracy – verisimilitude to a kind of speech that would be recognisable to his contemporaries.<sup>27</sup> This section interrogates what J. A. Rosenblitt terms the 'hostile politics' embodied in the three speeches, and attempts to go further, exploring how they are grounded in a shared social rationality in which the *populus* is an aggrieved totality, thrown into an existential conflict with a rapacious dominating elite configured by liberty and slavery. The lens of populism, I argue, reveals this social rationality as more than mere imagery, more than mere hostility, but part of a coherent worldview built on a wider understanding of legitimacy and crisis in the Roman republic.

Sallust's speech of Lepidus is a justification of his nascent armed rebellion, launched from Etruria in 78. It covers a broad range of disparate demands contained within the traditional *popularis* platform, and places them in relation to a clearly defined 'enemy other' – Sulla and his regime. There is a clear difference between Lepidus and Macer's speeches and that of Memmius: Memmius focuses almost singly on the individual issue of resolving the threat of elite corruption, while Macer and Lepidus demonstrate directly how disparate demands – from land for soldiers, to grain distribution, to the treatment of allies – are equivalenced. Nevertheless, each of the speeches present their demands as questions of natural right, popular jurisdiction, or foundational authority, demonstrating a picture of subverted sovereignty characterised as an unequal relationship between conqueror and conquered, and free and unfree. This clear dichotomy forms a sharply defined antagonistic frontier between two totalised, and morally configured, groups.<sup>28</sup>

The social demands set out by Lepidus are both concrete and symbolic. The issue of removal of citizenship from Italian allies, for instance, is demonstrated as both a direct injustice against them, as well as the authority of the Roman *populus* itself. He states that, "a great part of our allies and of the people of Latium to whom you gave

<sup>26</sup> Taggart (2000) 97.

<sup>27</sup> Rosenblitt (2019) 116–139; for the commonality of the approaches see, e.g., La Penna (1963), Robb (2010).

<sup>28</sup> This analysis lends credence to Rosenblitt's (2019) 65 argument in the debate she sums up as 'Lepidus the Opportunist vs Lepidus the Moderate' (cf. Syme [1964] 186) – she argues that Lepidus does represent a coherent set of well-reasoned demands, and in doing so places much greater emphasis on the importance of Lepidus' 'urban phase' in his insurrection.

[*a vobis data*] citizenship [. . .] are kept from it [*prohibentur*] by one man”.<sup>29</sup> Citizenship, argues Lepidus, is the natural prerogative of the Roman people, so the judicial right of the *populus* has been denied. The question of Latin and allied rights – a long-standing and complicated issue – is tied directly to Sulla himself; while Sulla did remove the right of citizenship from some allies following the conclusion of the civil war to settle his own soldiers,<sup>30</sup> there is some sleight of hand here as Lepidus frames the issue of injustice toward allies as one of sovereignty. Similarly, the issue of food security is framed as both an injustice in itself, and an assault on the *imperium* of the *populus* as a whole: “the Roman people, until recently the governor of peoples [*gentium moderator*], stripped of its *imperium*, glory, justice, without agency [*agitandi inops*] and despised, does not even retain the rations of slaves [*servilia . . . alimenta*].”<sup>31</sup> Sallust’s Lepidus is explicit in framing the longstanding issue of grain distribution as directly connected with the recent loss of power caused by Sulla’s *dominatio*.<sup>32</sup> Equating the position of the *populus* with that of slaves – lower, even – Lepidus makes a key rhetorical categorisation of the *populus* as an oppressed totality, signified by an absence of justice.

Soldiers who fought on the Sullan side, too, are incorporated into the disenfranchised “at the price of whose blood riches are won for the worst of slaves” (*quorum sanguine . . . pessumis servorum, divitiae partae sunt*).<sup>33</sup> The Roman armies have been, “fastened against themselves, and our arms turned away from the enemy and against ourselves”.<sup>34</sup> There is clearly good reason for Sallust’s Lepidus to make an explicit appeal to the army – he is about to lead a rebellion – but the image of civil war between Roman armies was highly relevant for Sallust’s readers by the early 30s.<sup>35</sup> While emphasising the primacy and legitimacy of the soldiery, they are at the same time made a victim of their own success, having been robbed like the rest of the *populus*. He poses an ironic, rhetorical question, asking if, “perhaps, they advanced in arms to overthrow tribunician power – established by their ancestors [*conditam a maioribus*

<sup>29</sup> Sall. *Hist.* 1.48.12McG – all translations are my own unless otherwise indicated.

<sup>30</sup> Some communities were also enfranchised – a reward for support upon Sulla’s return to Italy; Santangelo (2007) 134–191, cf. Steel (2013) 110.

<sup>31</sup> Sall. *Hist.* 1.48.11McG.

<sup>32</sup> Access to grain was a perennial concern of the urban *plebs*, particularly during periods of shortages, and the provision of relief was associated with those looking to enhance their popularity – with an associated implication of aspirations to *regnum*; cf. Livy’s presentation of the middle-republic ‘proto-populares’, particularly Spurius Maelius (4.13–16); Robb (2010), Cornell and Lomas (2005) 50–52.

<sup>33</sup> Sall. *Hist.* 1.48.21McG.

<sup>34</sup> Sall. *Hist.* 1.48.19McG.

<sup>35</sup> The 40s was a decade that saw near-constant civil war between Roman armies – from Caesar’s war with Pompey (49–45), to the brief conflict between Antony, Octavian and Decimus Brutus (43), to the triumvirate’s campaign against the ‘liberators’ (43–42), to the Perusine war (41–40), to the ongoing (as of 40) conflict between Octavian (and Lepidus), Sextus Pompey and Antony.

suis] . . . or wrench away [*extorquerent*] their own rights and courts [*iura et iudica*].”<sup>36</sup> The soldiery, then, is part of Lepidus’ *populus*.

Regardless of its historicity, rhetorically, the inclusion of the issue of tribunician power directly alongside disparate social demands ties the issue of economic inequity to that of political representation.<sup>37</sup> This equivalence between food security, army conditions, and political representation is seen similarly in Macer’s speech which, while primarily a call to the *populus Romanus* to restore the power of the tribunate, includes as part of its central argument appeals to both the conditions of the soldiers and the grain supply, mirroring Lepidus’ comment above that the people subsist on ‘the rations of slaves’. Macer points to the five-*modii* frumentary law as a poor bribe; an amount “not more than the rations of a prison [*non amplius possunt alimentis carceris*] . . . values all *libertas* at five *modii*”.<sup>38</sup> This focus on unfair exchange between *populus* and *nobiles* is all the more striking in that it immediately follows Macer’s call that his audience refuse to serve in the army, framed as a request that “you offer no more blood” [*ne amplius sanguinem vestrum praebeatis*]. The promise of access to the spoils of empire in exchange for service is broken, Macer argues: “let those who take no reward be free from danger and toil” [*absit periculum et labos quibus nulla pars fructus est*];<sup>39</sup> war and work are subject to an implicit contract, which has been broken. Taken together, the social demands presented in Sallust’s *popularis* speeches form a ‘platform’. Sallust’s readers can logically tie together issues which are inherently disparate (land, food, Latin rights, plebeian political rights, conditions for soldiers, corruption) and understand them as connected in this rhetorically constructed social rationality. An important aspect of that equivalence is that the demands are all justified by a shared foundational position, predicated on the position of the *populus*.

Sallust’s *popularis* speeches are bound by a rhetoric that repeatedly asserts the *populus Romanus* as the heirs of an ancient sovereign past, and, by extension, a defined moral position. This is not unique to Sallust; there is an almost formulaic necessity for political speeches addressed *ad populum* to express concern for the *commoda*

36 Sall. *Hist.* 1.48.22-3McG; this idea of the heroism of non-elite soldiers as a primary source of legitimacy is echoed by Dionysius’ Lucius Siccius Dentatus (10.36–39), and Plutarch’s Ti. Gracchus’ famous ‘wild beasts of Italy speech’ in Plut. *TG* 9.4–5.

37 This presents a potential anachronism for Sallust’s portrayal of Lepidus, who seemingly did not support the restoration of the tribunate during his consulship (Gran. *Lic.* 36.33), but this is contradicted by Philippus’ speech later in the *Histories* which explicitly states that Lepidus called for the restoration of the tribunate: (Sall. *Hist.*: F1.66.14). This is itself further complicated by Sallust’s Macer’s statement that it was L. Sicinius, ‘the first who dared to speak concerning tribunician power’: *primus de potestate tribunicia loqui ausus*’ (Sall. *Hist.* F3.34.8McG). The *communis opinio* that Lepidus changed his mind – perhaps as Rosenblitt argues, expressed through *mandata* while in Etruria (Gran. *Lic.* 36.43–44, Sall. *Hist.* 1.66.14; Rosenblitt (2019) 67–68 – appears a reasonable interpretation in the face of this evidence, provided that Sallust’s Macer’s *loqui* implies conditional rhetoric.

38 Sall. *Hist.* 3.34.19McG.

39 Sall. *Hist.* 3.34.17-8McG.

and *libertas* of the Roman people.<sup>40</sup> Where Sallust's rhetorical presentation differs is that here this appeal is being configured as essentially antagonistic. Sallust's *populares* must be viewed as integrally related to unmet popular demands understood in terms of the relationship between *populus* and *nobiles*. Underpinning this notion, the normative benchmark that appears throughout the speeches, is a *populus* configured *pars pro toto* with a particular appeal to a specific foundational, legal, and moral sovereignty. An unmet demand becomes a broken promise when the meeting of that demand is understood as a moral imperative, and the partial *populus* in Sallust's speakers is framed as morally configured. It is this moral quality which Lepidus leverages in the opening to his speech: "Your mercy and honesty [*clementia et probitas*], citizens, by which you are supreme and honoured [*maximi et clari*] among other peoples, cause in me the greatest fear in the face of the tyranny of L. Sulla".<sup>41</sup> For Memmius, too, the Roman people are "born into command" [*in imperio nati*],<sup>42</sup> and "unconquered by enemies, rulers of all peoples" [*invicti ab hostibus, imperatores omnium gentium*].<sup>43</sup>

Central to this moral position of the *populus* of Sallust is the idea that it springs from an ancient provenance; its provisions and protections are both hard-won and honourable through symbolic moments of struggle. Macer evokes this foundational cultural memory at the beginning of his speech, pitting the normative "law left by your ancestors" [*ius a maioribus relictum vobis*], emerging from plebeian secession, against Sullan slavery [*servitium*].<sup>44</sup> He reiterates that stripped privileges "were left you by your forefathers" [*maiores reliquere*],<sup>45</sup> and later, that tribunician power was a "weapon given to you by your ancestors".<sup>46</sup> These *maiores* are, as María García-Magán shows, a plebeian-coded appeal to tradition;<sup>47</sup> *maiores vestri* are here the antagonistic unnamed plebeian precursors – and source of a provenance of dissent that confers its own legitimacy through its antiquity. What is appealed to is an alternative founding-moment, configured through historical conflict between plebeians and patricians; an evocation which forms the basis for an empty signifier that comes to stand in for what is lacking in each demand. Prominently, in Sallust's speeches, this is *libertas*, established by the image and rhetoric of a *populus* enslaved by the *pauci*.<sup>48</sup>

<sup>40</sup> See especially Morstein-Marx (2004) 204–240; Cic. *Agr.* 2.69, 2.84, 3.12; cf. García-Magán (2022) 266–272.

<sup>41</sup> Sall. *Hist.* 1.48.1McG.

<sup>42</sup> Sall. *Iug.* 31.11.

<sup>43</sup> Sall. *Iug.* 31.20.

<sup>44</sup> Sall. *Hist.* 3.34.1McG.

<sup>45</sup> Sall. *Hist.* 3.34.6McG.

<sup>46</sup> Sall. *Hist.* 3.34.12McG, cf. 3.34.15McG.

<sup>47</sup> García-Magán (2022) 244.

<sup>48</sup> The question of how to interpret *libertas* in a given context is a longstanding and contested one – in this volume Hillard and Beness address the historiography of the tension between different strands and interpretations of the term; the chapter by Tatum examines the call for *libertas* to be realised

The idea of slavery versus freedom, and indeed, slavery versus mastery, was a rich and multifaceted distinction for contemporary Roman audiences, closely associated with the idea of *'spolia'* [here, spoils; war-booty]. Indeed, in the speeches examined here, Sallust's speakers frequently refer to the *pauci* in terms that suggest an invader.<sup>49</sup> Repeatedly, the *populares* present a Rome that has essentially been sacked: "the city wasted from flight and murders, the goods of the wretched citizens, as if Cimbric booty, sold or given as a gift" (*vastam urbem fuga et caedibus, bona civium miseriorum quasi Cimbricam praedam venum aut dono datam*).<sup>50</sup> This configuration of the relationship between *populus* and *pauci* reveals a central theme, like the empty signifier outlined above which, argues Laclau, begins as the articulation of an unfulfilled demand and, as it becomes more conceptualised, comes to symbolise and subsume all other demands: here, the signifier is *libertas*. Valentina Arena's systematic study of how *libertas* is used in the late republic presents two threads of linguistic usage – contrasting *popularis* with optimate – stemming from a state of personal *libertas* – that is, whether one is free or unfree.<sup>51</sup>

Slavery forms a crucial component of the rhetorical characterisation of both the state that the *populus* is in, and that which awaits it if action is not taken, configured primarily as an absence of rights.<sup>52</sup> While protections against lethal violence (without cause) were instituted in the imperial period, in the republic, the power of a master over a slave was, legally speaking, ultimately that of life and death.<sup>53</sup> While the categorisation of a slave only in terms of *res* can be an overly legalistic view,<sup>54</sup> from Aristotle to the *Digesta*, the position of *being* property as opposed to *owning* property was a pervasive component of slavery and liberty in the ancient world.<sup>55</sup> Arena extends this, demonstrating that the *popularis* concept of *libertas* is bound up with the political,<sup>56</sup> something visible in the speeches where liberty becomes an empty signifier representing the core issue of the capacity of the '*populus*' to fulfil its own demands – *agitandi*. In this way, the dichotomy between *multi* and *pauci* is represented as fundamentally a dichotomy between states of liberty and slavery by Lepidus, Memmius, and Macer. A clear boundary is established through the idea of who has *libertas*, and

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through the 'restoration' of the tribunate in Macer's speech, seeing it an attempt to confect popular controversy where perhaps only lukewarm sentiment existed previously, echoing in some ways the opinion of Gerrish (2023) who views Sallust's Macer as an 'organised' dissimulator – a reflection of Sallust's view of triumviral political tactics.

49 A common language of the spoils of war in the speeches has been dealt with extensively in Rosenblitt (2016), (2019) 116–139.

50 Sall. *Hist.* 1.48.17McG; cf. 1.48.7McG, 1.48.16McG; 3.34.27McG; *Iug* 31.10, 31.23.

51 Arena (2012) 1–44.

52 *Dig.* 1.5.9; cf. Wiedemann (1981) 1–2.

53 A state of 'permanent, violent domination', as Patterson relates (1982) 13.

54 Knapp (2011) 15–16; Joshel and Peterson (2014).

55 Cf. Buckland (2010 [1970]) 10–11.

56 Arena (2012) 116–168.

who does not – but it is a *libertas* that has come to represent a whole range of equiv-  
alenced, unmet, popular demands. More broadly, *libertas* and slavery amplify the ex-  
clusionary effect of the themes of predation and conquest; *libertas* can be taken away,  
and the *populus*, in a defensive (conservative, even) stance is vulnerable. The question  
of what *libertas* means to Sallust's three speakers is a flexible mixture of positive and  
negative freedoms that range from material security to political agency, but also a  
quality which, by its absence, comes to signify membership of the exclusive body of  
the *populus* – in direct opposition to its counterpoint, the *nobilitas*. This binary social  
rationality underpins, not only the immanent nature of the two groups – exclusive,  
clearly delineated, and bound to the time and space of the moment – but also creates  
a moral impetus for political action. Each speaker exhorts the *populus* to act as a mat-  
ter of, not only moral, but existential, necessity. For Lepidus, the binary is between  
“dangerous freedom [and] quiet slavery”,<sup>57</sup> and likewise, for Memmius, the dichotomy  
is fundamentally exclusive, and ultimately untenable:

*Nam fidei quidem aut concordiae quae spes est? Dominari illi volunt, vos liberi esse; facere illi ini-  
urias, vos prohibere; postremo sociis nostris veluti hostibus, hostibus pro sociis utuntur. Potestne  
in tam divorsis mentibus pax aut amicitia esse?*

Because what hope is there of mutual trust or concord? They wish to dominate, you to be free;  
they to inflict injuries, you to stop them; finally, they use our allies as if enemies, enemies as  
allies. How, with minds so opposite, can there be peace or friendship?<sup>58</sup>

Taken together, these calls tap into a populist narrative which is able to harness the  
ontological conception of a bifurcated, asymmetric society constructed from an op-  
pressed *populus* and an oppressor elite, in order to make a reasoned case for a spe-  
cific, directed, ontic expression.

This section has demonstrated the rhetorical construction of a totalised *populus*,  
defined through the concrete distinctions of individual demands and equivalenced to  
one another through the idea of *libertas*. Both political and material freedoms, posi-  
tive and negative, create a strong rebuttal to an inclusive conception of the *populus*:  
membership, at this synchronic point, is defined by one's relation to the crisis of *liber-  
tas*, and by which side of the promise one is on. Indeed, this is a profoundly syn-  
chronic configuration of crisis because it can only be expressed as a deviation from  
the normative. A past foundational state of sovereignty, equilibrium, and morality  
forms a ubiquitous reference point to these speeches, summed up by Macer at the  
end of his speech as a time “before, [when] each of you found protection in the many,  
not in one man”.<sup>59</sup> It is precisely this tension between the past and the present – be-  
tween the promise and the reality – that the next section examines, moving the per-

<sup>57</sup> Sall. *Hist.* 1.48.26McG.

<sup>58</sup> Sall. *Iug.* 31.23–24; cf. Macer's call to action in Sall. *Hist.* 3.34.27McG.

<sup>59</sup> Sall. *Hist.* 3.34.24McG.

spective from Sallust's speakers to Sallust himself. This section examines how Sallust configures his contemporary *populus* and contrasts it with his 'heartland'; an imagined *res publica* that exists periodically prior to the destruction of Carthage in 146.

## Sallust's Heartland

While rhetoric and composition permeate ancient historiography,<sup>60</sup> the political analysis put forward in Sallust's own voice allows a contextualisation of the ideas found in the speeches with a somewhat clearer picture of his own views. The remainder of this chapter examines the complicated worldview of Sallust himself, morally configured by a populist conception of a Roman political 'heartland'. Looking at Sallust's view of history, and his understanding of morality, decline, and conflict within the *res publica*, populism provides a loose structure for understanding the ambiguities that Sallust has traditionally represented. This worldview is pessimistic, lacking the belief in the possibility of positive change that often characterises populism – but nevertheless, some profoundly populist beliefs remain: a stalwart belief in a symbolic popular sovereignty, the ability to understand that *populus* as immanent and analogous to the *populus* of the *contio* or *comitia*, a narrative of society as a dichotomy between a (mostly) 'pure people' and a 'corrupt elite', and of that corruption as a hypocrisy that breaks some of the fundamental civic promises about values, honour, and liberty.

Sallust's purported motivations for writing history are centred on the central theme of post-Carthage class conflict, *discordia*, and a decline characterised by an increasingly predatory elite whose actions give rise to an increasingly desperate *populus*. Both *Catiline's War* and *The Jugurthine War* begin with discussion of an established trope: the merits of achievements of the mind as opposed to the body.<sup>61</sup> Having set out the broad theme of a dichotomous relationship between two components which must "function together through a productive tension if they are to function well",<sup>62</sup> he expounds on his central preoccupation – *concordia*, *discordia*, and social decline. Sallust's Rome has a temporal 'heartland' which extends – in the *Jugurthine War* and *Catiline's War* – from Aeneas to the fall of Carthage,<sup>63</sup> although he places the pinnacle of Roman moral virtue between the Second and Third Punic wars,<sup>64</sup> when men compete for honour rather than wealth, exemplifying martial strength and moral uprightness.<sup>65</sup> A number of foundational moments are identified, beginning

<sup>60</sup> Laird (2009).

<sup>61</sup> Sall. *Cat.* 1.1–2.7; *Jug.* 1.3–2.4.

<sup>62</sup> Kapust (2011) 48.

<sup>63</sup> Sall. *Cat.* 10.1–6; *Jug.* 41.1–10.

<sup>64</sup> Sall. *Hist.* 1.9McG.

<sup>65</sup> See esp. Sall. *Cat.* 7.4.

with the merging of Trojans and Latins – an event configuring a central Sallustian ideal, the establishment of *concordia*, which “quickly made a wandering and scattered multitude [*multitudo dispersa atque vaga*] into a community [*civitas*]”.<sup>66</sup> Later, as the institution of kingship degraded into a “wanton domination” [*superbiam dominationem*], was the re-establishment of liberty concomitant with the abolition of the kingship.<sup>67</sup> Maintaining *concordia* and preventing civic competition from spilling out into civil discord was the *metus hostilis*; a restraining threat from outside forces that threatened the entire community.<sup>68</sup>

The fragmentary *Histories* is more nuanced. Still holding the sack of Carthage in 146 as an important sea-change in the social, economic, and political life of the *res publica*,<sup>69</sup> in the *Histories*, the ‘purest and most moral’ period in Roman civic culture only begins at the end of the Second Punic War.<sup>70</sup> Prior, Sallust asserts, there had been alternating periods of strife and concord. *Concordia* is hard-won and fleeting; unlike the monographs, “equal justice and restraint lasted only until the fear of Tarquin . . . came to an end”, from which point, “the patricians treated the *populus* as slaves”.<sup>71</sup> Once the rights of plebeians and the tribunate are won, however, the agonistic tensions produce a moral and balanced timocratic society – the moral high-water mark of the *res publica*, evidenced by the extraordinary imperial position Rome finds itself in by the first century.<sup>72</sup>

To Sallust, this ‘heartland’ created its own nobility. This nobility emerged from a general competition to excel in war; “to be the first to strike down the enemy, to scale a wall, to be seen by all while doing such a deed”.<sup>73</sup> There is no direct mention in the monographs of the so-called ‘Conflict of the Orders’; rather, “quarrels, discord, and strife were reserved for their enemies, citizen vied with citizen only for the prize of merit”.<sup>74</sup> The competition that occurs in this period is for *honor*, whereby what is deemed good for the individual is good for the community,<sup>75</sup> in a productive tension between people and their paternalistic leaders.<sup>76</sup> The senate that emerges in that time were, notes Sallust, “named Fathers [*patres*], either because of their age, or the similarity of their duties”.<sup>77</sup> This heartland is a state of asymmetrical but symbiotic con-

66 Sall. *Cat.* 6.2; cf. *Iug.* 41.2.

67 Sall. *Cat.* 6.7.

68 Cf. McGushin (1992) 74, 77.

69 Sall. *Hist.* 1.1.10, 12McG.

70 Sall. *Hist.* 1.1.9McG; cf. Syme (1962) 182.

71 Sall. *Hist.* 1.1.10.

72 Sall. *Hist.* 1.1.9 – although note that Sallust gives the consulship of S. Sulpicius and M. Marcellus (51 BCE) as the height of Rome’s extent; cf. Connolly (2007) 73–75 for a Ciceronian take on antagonism.

73 Sall. *Cat.* 7.6; cf. *Iug.* 41.2.

74 Sall. *Cat.* 9.2.

75 Cf. Kapust (2011) 29–30, 43.

76 Kapust (2011) 47.

77 Sall. *Cat.* 6.6.

cord in which the *populus* rose to become world hegemon, on the one hand under the care and example of a benign leadership, but on the other as a result of healthy agonisms – between the *nobilitas* and the *populus*, and the *nobiles* with each other – totalised by fear and austerity. Reversals come firstly with the destruction of Carthage in 146 and subsequent removal of the Punic fear, and secondly, with Sulla. Indeed, Sallust is scathing about Sulla and the Sullan regime, to the extent that it represents a corrupt nadir from which Rome never recovers.<sup>78</sup>

Both the *populus* and *nobilitas* are configured in light of this moral heartland. As with the speeches, in his historical analysis, Sallust regularly deploys the populist elision of the *populus* as both symbolic sovereign and immanent actor. Highly polyvalent, this conception is often deployed as the general political totality; *populus Romanus* often standing in for an idea of *res publica*, albeit in circumstances that emphasise the ‘state’ as agentive – either describing military action, or moral character.<sup>79</sup> Nevertheless, the *populus* is also a group that is concretely defined in relation to its counterpoint, the *nobiles* or the *pauci*. Frequently configured through the same institutional language that configures the functions of the tribunate, the vulnerable *populus* is under threat from elite domination, primarily through attacks on the tribunate and assembly, and consequently, popular *libertas*.

Equally striking is Sallust’s multifaceted conception of *nobilis* and *nobilitas*. Making a supporting case for Moatti’s thesis of *altéronomie*, Sallust plays with the idea of nobility, both as a noun and as an adjective.<sup>80</sup> *Nobilis*, like *populus*, encompasses different spheres; as a technical social distinction which differentiates those with office-holding ancestors from those without,<sup>81</sup> the plebeian-patrician combined senatorial elite that emerges between intermarriage rights and the *lex Hortensia* to replace the dominant role formerly played by the patricians,<sup>82</sup> or it can denote a quality of authority justified by superiority and moral rightness (*nobilitas*). In Sallust, *nobilis* moves fluidly between these ideas, to present an idea of what the nobility is, and what the nobility ought to be (and once was). While references are made to the technical definition,<sup>83</sup> Sallust primarily talks about his contemporary ‘nobility’ as a broad term for those promoting their own self-interest at the expense of the *res publica*, who are defined by their acquisitiveness, special interest, and corruption.<sup>84</sup> Here, cor-

<sup>78</sup> Sall. *Cat.* 5.9.

<sup>79</sup> Sall. *Cat.* 6.5, 7.7, 11.6, 53.2; *Iug.* 5.4.

<sup>80</sup> Moatti (2011).

<sup>81</sup> Lintott (1999) 167.

<sup>82</sup> Mitchell (1990) 22–25.

<sup>83</sup> Sall. *Iug.* 85; cf. Yakobson (2010) 293–297.

<sup>84</sup> E.g. Sall. *Cat.* 5.9; Sall. *Hist.* 1.12McG.

ruption has become universal; virtue itself is “blunted [*hebescere*], poverty held a disgrace, innocence thought wickedness”.<sup>85</sup>

Understanding Sallust’s view of the *res publica* through a populist lens begins to resolve some of the ambiguities found in his work. Sallust can be deemed ‘conservative’ – the narrative of moral decline, his austerity, an ambivalent approach to *popularis* politicians, but also his vision of a well-ordered state in which some kind of nobility rule as *patres* over a free *populus*.<sup>86</sup> These issues raise problems for the clear politics of dichotomous class-conflict illustrated throughout his historical works. To the modern imagination, this does not look like what we often imagine a *popularis* sentiment to represent – it rather appears as another kind of elite superiority. A populist reading, however, reveals an internal coherence and consistency. Extending the recent convincing work of García-Magán (2022), who demonstrated that appeals to tradition and evocation of *maiores* was just as compatible with a *popularis* approach as those that maximised the role and prestige of the senatorial *nobilitas*,<sup>87</sup> a populist reading views Sallust’s political position as fundamentally dependent on a particular understanding of history and decline. A core component to the discursive production of populist moments is taking that group, the *populus* configured as all citizens, past, present and future, and applying its legitimacy and totality to a partial and immanent group. Sallust’s heartland produces the same effect; in the heartland, the politics is agonistic and the *populus* is one organism. The *multi* and *pauci* exist in a productive tension that produces and augments the whole – they comprise the *populus* together. In the fall away from the heartland, however, the divide becomes antagonistic – and these groups are no longer part of the same entity; the majority retains the signifier of *populus*, but the *pauci* is a designated out-group.

## Conclusion

From its ‘heartland’-based nostalgia, to its opposition to a monolithic elite, to the subordination of convention to the popular moment, the *populus* of populism shapes itself to fit a felt moment of asynchronicity between a timeless promise and its immediate hypocrisy. Comparing the republican *populus* with the Athenian *demos* highlights this disparity. In the *ekklesia*, the symbolic and immanent people overlap, as the execution of power is equivalent to the execution of popular sovereignty. Conversely, the Roman *populus* is found in multitudes of overlapping synecdoches, deploying degrees

<sup>85</sup> Sall. *Cat.* 12.1; cf. Cato’s speech in Sall. *Cat.* 5.9; cf. Kapust (2011) 50–51; Levene (2000) 176–177, 184–185; Sallust’s conception of *virtus* has been examined in detail in Balmaceda (2017) 48–82.

<sup>86</sup> Indeed, Sallust has been an important source for the modern characterisation of the Roman republic’s inability – or unwillingness – to reform; see Vervaeke, Dart and Rafferty in this volume.

<sup>87</sup> García-Magán (2022) 233–272.

of power, and speaking with degrees of voice. The vernacular *populus* 'is' the flexible and contradictory shape that it is because any definition with less capacity for its conflicting properties would have to emerge as an intellectual calcification.

It is important to note that this chapter is hermeneutic. Populism is a narrative that makes sense of components of ideology and praxis that have often sparked the same response of recognition from observers. This study is, moreover, only one synchronic perspective. It follows, therefore, that caution is needed before extrapolating these facets in Sallust to a static *popularis*-plebeian-populist political position or worldview. What is shown instead is evidence of a particular way of thinking about politics, legitimacy, and power. Drawn from the complex, heterogeneous intellectual apparatus embedded in the language and mores of the *res publica*, this interpretation poses questions to any idea of 'ideological monotony' in the late republic – and begins to make sense of the genealogy of the 'institutionalisation' of the *populus* and the *res publica* that starts to take shape in the nascent political philosophy of Cicero and Livy.<sup>88</sup> The politics of Lepidus, Macer, and Memmius are a politics of antagonism – hostility, even – and yet they are underpinned by a worldview that is grounded in a particular idea of legitimacy. Even so, this view is more than a conception of what the world ought to be, but also an idea of what the world is: a moment of crisis and decline. The draw of the past for the problems of the present is at the heart of the ambiguity of Sallust's politics; through a populist lens, an appeal to conservatism can be wholly radical when fashioned from a political vocabulary predicated on a sovereign *populus*.

The implications for modern populisms are complicated. Firstly, this recognisable narrative of populist ideology is not inherently modern – its predicate conditions appear more fundamental. A sovereign 'People' is clearly important, but so too is a way of separating that idea from those who exercise power – a deficit of democracy, where the exercise of power is dominated by one persistent group. An interpretive view of this Roman populism insists that we look at populists on their own terms; it is much easier to see the inequalities and imbalances of political power in the ancient world than it is our own, and yet these inequalities provide an alternative vocabulary to examine problems within modern political systems. Understanding the demands made in the plebeian-coded populist rhetoric of Sallust's speakers at a time of rapid social and economic upheaval is clearer when these are understood as legitimated by a strong normative idea of what ought to be, and what has gone wrong.

In this way, ancient populism reveals one of the core 'dangers' of modern populism – the legitimacy that drives its politics is drawn from a constant tensional re-description. The linguistic apparatus of the sovereign *populus* – *maiestas*, *dignitas*, *libertas* – is institutionally symbolic, but its evocation in populism as immanent brings with it a unitary voice and will – and so arises a susceptibility for anti-pluralism and

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88 Moatti (2018) 187–196.

authoritarianism. Populism's *populus* needs a single voice, and so often must channel its legitimacy into one individual. However, as can be seen through this attempt to look at populism on its own terms, this is an ideology that emerges from a political system that rests on the perception of broken promises. Sallust shows a deeply felt perception that his *res publica* was failing to live up to its foundational normative claims. Hovering between vanguard and victim, his immanent *populus*, the moral majority, is antagonistically configured against a hostile nobility as a movement for restoration, not revolution. As with populism today, Sallust's speakers are bound to an idea of an imagined past and a paradoxical role for the 'popular' in the exercise of power, which can neither accept the status quo, nor claim to seek real constitutional change. Much can be justified in the name of restoration or purification, as historical and modern populisms show us, but populism is not usually well-placed to answer the questions posed by the systems which engender it.

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## Part 3: **The Death of the Roman Republic – Effect**



Nicholas George

# The View from the Periphery: Local Elites, Roman Elites, and the Western Provinces during Rome's Crisis of the 80s BCE

**Abstract:** This chapter is an analysis of the role of the western provinces (Africa, Gaul, the Iberian Provinces, Sardinia and Sicily) in Rome's civil wars of the 80s BCE. It argues that the provinces had a role in prolonging the conflict, even enabling the conflict, by supplying materials, manpower, leadership positions, and political refuge for prominent Romans. This chapter also engages with the role of non-Roman communities and individuals in the provinces in these conflicts, demonstrating their desire to negotiate with Roman power based on their own political interests and through the nearest presence of a Roman authority, rather than choose sides with an ideological focus on the conflict in Rome.

If we ask how republics die our scholarly attention tends to fall on the Senate, Convention, or Congress, and the forums and streets outside them where the crucial decisions are made that will save or ruin a government. But that tendency overlooks regions beyond the centre — provinces, backwaters, flyover states — which often played a vital role in determining the outcome. Rome's first civil war illustrates this well. I argue in this chapter that the provinces were regions central to political decision-making in the civil war of the 80s BCE, the decade of Marius and Sulla's civil war, but who held sway in these spaces has, with the exception of Sulla in Asia, frequently been overlooked as a factor in the outcome.<sup>1</sup> In looking specifically to the provinces of the West, this chapter demonstrates how these spaces were relevant to Roman politics in the 80s, that the provinces offered a space where some Romans secured a position of power while others found a safe haven as political refugees, and that the provinces therefore prolonged civil conflict. This chapter then analyses how the residents of the provinces related to competing Roman regimes, finding that the opportunity presented to Romans in the provinces in the civil war of the 80s also meant opportunities for local communities and individuals to advance their communities' interests at some risk.

When discussing the 'western provinces' I refer to Africa, Gallia Transalpina, Hispania, Sardinia, Sicily, and the other western Mediterranean Islands. In ancient sources these spaces are at times part of a *provincia* in the Latin, or ἐπαρχία in the Greek, but

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<sup>1</sup> This chapter identifies supporters of either Cinna and Marius or Sulla as 'Cinnans' and 'Sullans' because of convention and convenience. Both Marius and Cinna died before Sulla returned to Italy, and identifying the divide in the conflict this way is not intended to convey the idea these were factions with a strong ideological core and long political lifespan. Historians who have analysed this period and these places include Badian (1962) and Lovano (2002).

in the Roman Republic of the early first century those terms did not necessarily describe a clearly defined territory.<sup>2</sup> Cicero's *In Pisonem* makes this clear: "the same commanders of Macedonia have always made it so that the limits of their *provincia* are that of [their] swords and spears."<sup>3</sup> In all the regions which had been regularly assigned as *provinciae* before 91 there remained a Roman official present as governor during the 80s, despite the civil war. Most of these governors had acquired their *provincia* in the usual manner, via appointment by the senate as a magistrate or promagistrate.<sup>4</sup> Some of these appointments were made when the city was under the control of a regime contested by Sulla, but most governors I will discuss acquired their *provincia* before the outbreak of the civil war in 88.<sup>5</sup> As such, even if it was not clear who the legitimate 'Rome' was (when looking at the situation from the provinces) there was always someone nearby who was identifiably a representative of a Rome.<sup>6</sup> The western provinces constituted Rome's earliest conquests and therefore had the longest history of Roman dominion outside of Italy. The surviving sources for the 80s (admittedly almost entirely written by elite Romans) focus foremost on who was in command of a region, with little evidence that these governors were ever seriously opposed by locals in this period. This means the implicit question put forth was not "should the Romans be in control?" but rather "which Romans should be in control?"

Praetorian and consular governors, invested with *imperium* and a *provincia*, continued to act as representatives of Rome with the authority to command Roman citizens and raise and lead armies in the provinces: the authority granted to these individuals was immense. For either regime it would be a problem if they did not have the support of governors in the provinces, and for a regime in control of the city abrogation of a commander's *imperium* or a declaration that a governor was a *hostis* could both be used as tools to end a governor's authority. If abrogation were complied with it may have ended the conflict without violence, but abrogation was a legal process, the first step to further prosecution, and required the approval of the popular assembly. On the other hand, declaring a governor a *hostis* may have in effect constituted an abrogation, but further identified that individual as an enemy of Rome to be

2 In Latin a *provincia* was literally a 'task', with boundaries decided by the senate in Rome or a magistrate on the ground. For modern discussions of the nature of a *provincia* see: Badian (1968) 35; Díaz Fernández (2015a) 42–46; Eckstein (1987) 187–267; Gargola (2017) 356–360; Kallet-Marx (1996) 12–18; Richardson (1984) 47–49; (2008) 7–9, 12–49.

3 *semper Macedonicis imperatoribus idem fines provinciae fuerint qui gladiatorum atque pilorum*, Cic. Pis. 16.

4 Livy 30.27.1–2; 34.10.1–7; Richardson (1984) 29–30; (2008) 26–30.

5 Vervaeke (2023) 154–170 discusses the continued operation of the Republic during Cinna's repeated consulships and after his death, during the *Cinnae Dominatio*, stating that there is 'every indication that the republican machinery of state and traditional procedures remained very much in operation during these years.' This included the appointment of L. Valerius Flaccus (*cos.* 86) to command of Asia in addition to the other provincial governorships included in this chapter.

6 Morstein-Marx (2011) 260–263.

met militarily.<sup>7</sup> It is notable then that despite some governors aligning themselves to one regime or another, an individual's *imperium* was only abrogated twice early in the conflict. In the tumult of 87, when control of the city of Rome was still contested between L. Cornelius Cinna (*cos.* 87–84) and his enemies, both L. Cinna and his opponent Appius Claudius Pulcher had their *imperium* abrogated as consul and praetor respectively.<sup>8</sup> In 84, after the deaths of Cinna and Marius, the now sole consul Cn. Papirius Carbo (*cos.* 85, 84, 82) was also threatened with abrogation, but this threat was not followed through.<sup>9</sup> Throughout the rest of the conflict no other instances of abrogation are recorded, likely because it was a legal resolution that was not being pursued by either regime at the height of the civil war. Abrogating the *imperium* of governors of uncertain allegiance would only aggravate them, while any attempt to abrogate the *imperium* of someone aligned with the opposing regime simply would not be respected. In comparison, in 88 and 86 both Sulla and the Cinnans secured decrees declaring their opponents *hostes*. Zucchetti argues that *iudicare hostes* was not a legal procedure, but an ideological declaration when first utilized in 88.<sup>10</sup> Yet from its inception a *hostis* declaration was tantamount to abrogation, although it circumvented the specific legal procedures required for that process. If someone was an enemy of Rome then they were not legally a citizen and there was no need to strip their legal immunities or right to command. More clearly, the declaration positioned the target as not Roman and therefore incapable of holding *any* Roman legal powers. Moreover, as a senatorial decree it was easier to acquire a declaration that your opponent was a *hostis* than to persuade the assembly to abrogate the *imperium* of famous and successful generals like Marius or Sulla.<sup>11</sup> As such, we might be seeing the comparative ease of securing a senatorial decree in the mass declaration of Sulla and his allies, such as Q. Metellus Pius (*cos.* 80), as *hostes* in 83 by Cn. Papirius Carbo. It may also be the case that, with battles already being fought in Italy, a *hostis* declaration gave ideological and legal clarity to the terms of the conflict.<sup>12</sup> In either case the lack of abrogation is understandable, but as a result the legal powers granted by *imperium* were held without legal contest by the provincial governors throughout the conflict, and any regime in Rome looked out at the provinces and saw these holders of *imperium* whom they had not chosen, but who had to be dealt with for the regime to feel secure.

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7 Bauman (1968) 45–48.

8 Cic. *Arch.* 9; *Dom.* 83; *Livy Per.* 79; Elster (2020) 384–387; For an excellent overview of the legal processes surrounding Cinna's abrogation, including legal precedent and the aims of the abrogation, see Frolov (2019).

9 App. *B Civ.* 1.78; Elster (2020) 394.

10 Zucchetti (2022) 66–71, 75–76. For more on the impact of political polarisation on the violence of this civil war, and the role of declarations such as these in furthering Rome's polarised political environment, see Pina Polo's contribution to this volume.

11 Bauman (1968) 45–48.

12 App. *B, Civ.* 1.86; Vervaeke (2023) 192.

## Flaccus in Hispania and Gaul

The need to handle provincial governors politically is the focus of this next part of the chapter, where I will describe how provincial governors were powerful players who might support a certain regime, or even act as potential kingmakers. It is in this latter category that our first example, C. Valerius Flaccus, lies. C. Valerius Flaccus (*cos.* 93) was awarded his *provincia* prior to the civil war and controlled much of Hispania and Gaul until he returned to Sullan Rome and received a triumph *ex Celtiberia et Gallia* in 81.<sup>13</sup> The sources give no indication that C. Flaccus openly endorsed Cinna's regime, and his eventual alignment with Sulla may have helped end the civil war. Evidence for C. Flaccus' command in Hispania Citerior is based on Appian's inclusion of the town of Belgida (in the modern region of Valencia) in a description of C. Flaccus crushing a Celtiberian revolt, and his triumph.<sup>14</sup> The argument made for placing C. Flaccus in control of Hispania Ulterior is weaker, based on a lack of an alternative. His command there is also problematised by two references from Appian to στρατηγοί in Hispania around 83–82.<sup>15</sup> One of these mentions 'προτέρων στρατηγῶν' (earlier commanders). While being translated as 'praetors' by some, Lovano has suggested these may be legates of C. Flaccus and that he may have moved his command entirely to Gaul, leaving these men to control the Iberian provinces.<sup>16</sup> Cicero even gives the name of a legate, M. Fonteius.<sup>17</sup> These commanders are absent from the accounts of Plutarch and Exsuperantius, and there is no evidence connecting M. Fonteius directly to C. Flaccus.<sup>18</sup> In contrast C. Flaccus was almost certainly in Gaul, based on both the triumph he received in 82 *ex Gallia* and on evidence from Cicero's *Pro Flacco*. In the speech Cicero describes how L. Valerius Flaccus, (the defendant in Cicero's *Pro Flacco*, and son of the consul of 86) fled Asia after the mutiny against his father and joined the army of his uncle C. Flaccus. The connection between joining his uncle and Gallia Transalpina comes when Cicero states: *Ne Vero te, Massilia, praetereo quae L. Flaccum militem quaestoremque cognosti*. ("I do not neglect Massalia [Marseille], which was familiar with L. Flaccus as a soldier.")<sup>19</sup> This would mean that C. Coelius (*cos.* 94), described in the *Periochiae* as subduing a rebellion in Transalpine Gaul in 90, may have left the province and C. Flaccus was in the area.<sup>20</sup> As such, it seems certain that C. Flaccus controlled an extensive region, stretching from Gibraltar to the Alps,

<sup>13</sup> App. *Hisp.* 100; Cic. *Flacc.* 63; Granius Licinianus 36; Lovano (2002) 78–86; *MRR* 2, 18.

<sup>14</sup> App. *Hisp.* 100; Granius Licinianus 36.

<sup>15</sup> App. *B Civ.* 1.86, 89.

<sup>16</sup> Lovano (2002) 83–86.

<sup>17</sup> Cic. *Font.* 6; Brennan (2000) 502.

<sup>18</sup> Exsup. 50; Lovano (2002) 86.

<sup>19</sup> Cic. *Flacc.* 5, 63.

<sup>20</sup> Livy *Per.* 73; Badian identifies C. Caelius in the *Periochae* as more likely C. Coelius: Badian (1966), 907–908; Rafferty (2019) 170.

though possibly not all at one time. His command in these places indicates that *impe-rium* continued to function as the legal justification for provincial administration and that it was necessary for any regime in Rome to either reach an agreement with C. Flaccus (even a tacit one) or else defeat him militarily.

Had C. Valerius Flaccus offered either side the support of his soldiers it may have been decisive in the civil war. Brunt claims he commanded a force of at least two legions, likely with auxiliaries, as both Iberian provinces were places of military conflict.<sup>21</sup> This assertion is supported by the historical combat in the territories where C. Flaccus was commander. C. Flaccus' *provincia* was given to end a Celtiberian uprising in Hispania, and P. Licinius Crassus (*cos.* 97) and T. Didius (*cos.* 98) had also held commands there for similar reasons in the 90s for which they received triumphs.<sup>22</sup> Additionally, the resources and personnel of any territory C. Flaccus controlled could help support a prospective regime.<sup>23</sup> Celtiberian cavalry had already been sent to Italy during the Social War, serving in the army of Cn. Pompeius Strabo (*cos.* 89).<sup>24</sup> In material wealth, Lovano has argued that C. Flaccus had access to a tax base in grain, and he and Richardson are likely correct that the output of the silver mines near Nova Carthago (Cartagena), producing 2,500 drachmae a day, was still being sent to Rome for much of the period.<sup>25</sup> With this position C. Flaccus and his territories could readily aid in prolonging or resolving the civil war.

C. Flaccus' opinion of Cinna's regime throughout the 80s is unknown, with scholarly opinion uncertain whether he actively supported the regime in Rome or if both he and the Cinnans let sleeping dogs lie. Eventually Flaccus would return to a Sullan Rome peacefully, but Lovano has argued that C. Flaccus was initially a 'Marian' who gradually changed allegiance after the death of his brother in a mutiny led by C. Flavius Fimbria in Asia.<sup>26</sup> He further supports this argument with the presence of an uncle or cousin in Cinnan-controlled Rome who would remain in the city to become the interrex who nominated Sulla in November 82. Yet it should not be assumed that the Valerii were generally 'Cinnans' or that any elevation of C. Flaccus' family members to a magistracy was an attempt (let alone a successful one) to court his support for the Cinnan regime. Brunt has demonstrated that familial relation did not determine faction association.<sup>27</sup> A narrative of C. Flaccus gradually aligning with the Sullans is further problematised by Sertorius' seemingly unchallenged crossing through

<sup>21</sup> Brunt (1971) 441, 464.

<sup>22</sup> App. *Hisp.* 100; Livy *Per.* 70; Sall. *Hist.* 1.88M; Richardson (1986) 158–160.

<sup>23</sup> Tan in this volume discusses the role of the economy in Rome's slide into authoritarian rule, with some further discussion on the specific role of the provinces as a source of wealth that was consciously fought for politically and that exacerbated the political divides between Romans and Italians in Italy.

<sup>24</sup> *ILS* 8888; Crawford (2008) 635–642.

<sup>25</sup> Polyb. 35.9.8; Strabo 3.2.10; Lovano (2002) 71; Richardson (1986) 120–121.

<sup>26</sup> Lovano (2002) 81.

<sup>27</sup> Brunt (1988) 458–463.

Gaul in 83.<sup>28</sup> As such, C. Flaccus should be considered neutral in the overall conflict, keeping his distance from whichever regime was in Rome. Considering this, it seems that the circumstances of the civil war did not require prominent Romans to cleave themselves to one regime: neutrality remained an option. This was clearly acceptable both to Flaccus, from who there is no sign of active opposition to the Cinnan regime, and to the Cinnans, who we never see attempting to replace Flaccus. Yet as a proconsular commander with *imperium*, there is no doubt that C. Flaccus was in a position of power throughout the civil war of the 80s. It is likely that the triumph C. Flaccus received on his return to Rome was a reward for not opposing Sulla, a means of securing the loyalty of an otherwise ambiguous commander in control of three provinces.

C. Valerius Flaccus is the most prominent example of a phenomenon in this decade that we might call ‘administration by inertia’. Being awarded his initial *provincia* before the outbreak of the Social War, C. Flaccus continued to hold it for Rome even as war consumed Italy. Throughout the civil war he made no overt indication of allegiance to either the regime of Cinna or Sulla, possibly even as Sertorius crossed territory under his control in 83.<sup>29</sup> The circumstances of the Social War, and possibly the civil war thereafter, likely made the posting of a replacement commander more difficult, but as the holder of a *Provincia Hispania* C. Flaccus’ extended period of command was not exceptional. P. Licinius Crassus held Hispania Ulterior for approximately four years, and T. Didius governed Hispania Citerior for five or six.<sup>30</sup> The Iberian provinces required the presence of a Roman force to secure the territory, and a prolonged command was not unusual in the face of violent resistance. Standard procedure for the Roman Republic was for a governor to hold their *provincia* until relieved, and in more unstable regions it was likely that a command lasted slightly longer on average.<sup>31</sup> C. Flaccus was in the region for longer than these earlier governors, between eight and twelve years, but the length of his command is more notable because the length is shared with other governors across the Western Mediterranean throughout the 80s, and because this pattern contrasts a trend described by Brennan from the Senate in earlier decades to “put a lid on prorogation”.<sup>32</sup> Undoubtedly in the civil war new governors arrived less frequently and there was no dire need for the Cinnans to attempt to replace a governor, especially when that replacement might be resisted.

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<sup>28</sup> Lovano (2002) 82–84.

<sup>29</sup> Lovano (2002) 82–86.

<sup>30</sup> Rafferty (2019) 168–169; Richardson (1986) 158.

<sup>31</sup> Rafferty (2019) 118–121.

<sup>32</sup> Brennan (2000) 244–245.

## Balbus in Sardinia and Norbanus in Sicily

In contrast to C. Flaccus, governors who clearly aligned themselves with a regime potentially faced military action from its opponents. For example, the praetor Q. Antonius Balbus governed Sardinia until he was slain in 82 by Sulla's legate L. Marcius Philippus (*cos.* 91). Evidence of Q. Antonius Balbus' command of Sardinia is slim, though he was unlikely to have been praetor before 83.<sup>33</sup> It is impossible to say for certain why Sulla opposed Q. Balbus but not C. Flaccus, but there are several possibilities. Most simply, C. Flaccus may have been more amenable to Sulla while Q. Balbus was more inclined to Marius and Cinna. Alternatively, C. Flaccus may have held the stronger military force and position, making diplomacy a more appealing option, whereas Q. Balbus could be dislodged by one of Sulla's legates. The decision may also have been driven by economic and logistical needs. Sardinia was a major source of grain for the city of Rome and its armies, and Sicily was also under the control of M. Perperna Veiento in 83, who had clearly aligned himself with the Cinnans.<sup>34</sup> Moving against Q. Balbus may have been a necessity to secure grain, with Sulla striking quickly at Sicily after Sardinia, because without those islands Rome and Sulla's armies would starve. Whatever the case, Q. Balbus reinforces the trends already identified for how provincial commanders acted as factors in the civil war, with Sardinia specifically demonstrating how important control of specific regions could be for a regime's survival.

Sicily also demonstrates the value of a governor clearly aligned to either regime. As praetor C. Norbanus (*cos.* 83) arrived in Sicily during the Social War, occupying the island into the 80s. These dates are drawn from references in Cicero, Diodorus Siculus, and Plutarch, who first place him there between 91 and 87, while Brennan argues that C. Norbanus arrived in 88 and left the province in 84.<sup>35</sup> In that period Marius was prevented from finding refuge upon Sicily on his way to Africa, but in Plutarch it was the quaestor specifically that killed some of Marius' men and nearly captured the fleeing ex-consul. As such, Norbanus' quaestor may have acted on his own initiative. The alternative is that C. Norbanus obeyed the Sullan regime in 88 when it may have seemed that Sulla had firmly secured Rome.<sup>36</sup> Whichever is true illuminates some of the ambiguity present in Roman politics from a provincial perspective in 88. Nevertheless C. Norbanus would later align himself with the Cinnan regime from 87.

C. Norbanus' time in Sicily after 88 makes it clear that the provinces could act as points of propagation for Civil War, providing military and fiscal resources along with positions of prominence for individual commanders who supported a regime as

<sup>33</sup> *RRC* 364/1; *Livy Per.* 86.2; Lovano (2002) 93.

<sup>34</sup> Garnsey and Saller (1987) 95, 98. See Rushmer in this volume for further discussion on both the need to secure grain in times of civil war, the specifics of that process, and the potential to utilise that grain for political ends.

<sup>35</sup> *Cic. Verr.* 2.3.117, 5.8; *Diod. Sic.* 37.2.13–14; *Plut. Mar.* 40.2; Brennan (2000) 481.

<sup>36</sup> *Plut. Mar.* 40.2.

Norbanus supported the Cinnans. While in Sicily, C. Norbanus remained in power for years beyond what had been the norm previously on the island, and so the Cinnan regime must have thought it easier to have him remain in place on the strategically important island rather than find a replacement.<sup>37</sup> During this period there is no evidence of unrest after 87, and C. Norbanus ensured Sicilian grain was still collected as tax. Cicero states in the *In Verrem*: “We have experienced this truth in the most difficult days of our [Social] war; Sicily was not a shed for provisions but returned to being that old treasury of our ancestors.”<sup>38</sup> This grain supply almost certainly continued after the Social War, but any supply of manpower for the Cinnan regime is less certain. Auxiliaries from Greek cities played a role in Roman conflicts in this era, with Aphrodisias sending auxiliaries under a commander named Artemidorus to Q. Oppius in Laodectia and Thracian cavalry serving under Sulla.<sup>39</sup> Prag takes these examples and infers from the content and tone of Cicero’s condemnation of Verres within *In Verrem* to argue Sicilian forces were likely used for the protection of the island in the 80s.<sup>40</sup> What is unusual in Prag’s analysis is the absence of evidence for the kinds of auxiliary forces used to fight alongside larger Roman armies visible in the earlier two examples. This means there is a reasonable chance that Sicilian locals and mercenaries continued to assist the Romans in suppressing piracy and banditry, but that Sicilian manpower was otherwise not a major factor in the civil war. The alternative, that a large body of Sicilian auxiliaries fought for the Cinnan regime in Italy, is possible but demands more substantial evidence. Therefore, C. Norbanus may have maintained the army referred to in Appian from his arrival in Sicily until his return to Rome, when these legions bolstered the defence mounted by his co-consul Scipio Asiaticus against Sulla to no avail.<sup>41</sup> Besides military forces, C. Norbanus definitely supplied naval support from Sicily to Rome’s defences. His own return to Italy potentially took place as early as 85 when Cinna and Carbo recalled a fleet from Sicily to protect the city.<sup>42</sup> As such, C. Norbanus was clearly aligned with the Cinnan regime, supplying it not only with grain, but several legions and continued leadership and dedication to the cause even after Marius and Cinna had both perished and Italy was invaded.

Sicily’s relevance to the continuation of the civil war in 83/82 is also demonstrated in the career of the governors who follow C. Norbanus. M. Perperna Veiento was a grandson of the earlier Perperna who was central to securing Sicily against the first slave uprising in the 130s.<sup>43</sup> M. Perperna Veiento supposedly administered Sicily

<sup>37</sup> Cic. *Quinct.* 24.

<sup>38</sup> *Nos vero experti sumus Italico maximo difficillimoque bello Siciliam nobis non pro penaria cella, sed pro aerario illo maiorum vetere ac referto fuisse*, Cic. *Verr.* 2.2.5.

<sup>39</sup> Prag (2007) 84–85.

<sup>40</sup> Prag (2007) 85–86.

<sup>41</sup> Brunt (1971) 442.

<sup>42</sup> App. *B Civ.* 1.76; Cic. *Quinct.* 24; Flor. 2.9.18; Brennan (2000) 481; Lovano (2002) 91.

<sup>43</sup> Lovano (2002) 91.

harshly, favouring the strongly ‘Cinnan’ towns of Messana and Thermae and abandoning many of his administrative duties, except presumably the collection of tax.<sup>44</sup> This presumption is important for justifying the maintenance of armies in Italy. Rome’s public finances were thin and both public and private wealth would have been further stretched without resources from Asia, and possibly also Africa.<sup>45</sup> However, under his rule the island was a safe haven for fleeing Cinnans in 83/82 (such as Cn. Papirius Carbo), until Perperna abandoned the territory, reappearing as a commander over three years later as armed opposition to Sulla’s regime in Rome first under Lepidus and then Sertorius.<sup>46</sup> It was Cn. Pompeius (Pompey), the future Magnus, who secured the island without significant resistance in late 82. He reportedly administered justice fairly, building relationships with Sicilian locals.<sup>47</sup> The activities of all three of these governors further demonstrate how relevant to a prospective regime the provinces were. As a source of resources, a strategic base, or just a safe haven, they made those who controlled them a factor in the outcome of the conflict. The provinces were therefore an important part of the political process that was Rome’s democratic decay. The alignment of C. Norbanus and M. Perperna with the Cinnan regime provided essential support, and one of Sulla’s first moves on securing Rome was to send Cn. Pompeius to secure Sicily.

## Crassus in Hispania and Africa

The provinces were more than just strongholds for military and political power. The western provinces of the Roman Empire were also political refuges for people fleeing Rome, where a figure could retreat and avoid a more permanent end to their political relevance. An example is found in M. Licinius Crassus (*cos.* 70, 55), future *triumvir*.<sup>48</sup> Plutarch describes a young M. Licinius Crassus fleeing to Hispania Ulterior in 87/6 after the Cinnans took control of Rome and his father had either been killed or committed suicide.<sup>49</sup> The elder Crassus had been proconsul of Hispania Ulterior from 97 to 93, and M. Crassus had served under him, making the province the logical place to retreat to and providing M. Crassus with the social connections to survive years later.<sup>50</sup> This makes M. Crassus similar to both C. Marius and Q. Metellus Pius, fleeing in the face of persecution in Rome. However, Metellus Pius’ *imperium* and army provided a founda-

<sup>44</sup> Brennan (2000) 481.

<sup>45</sup> Tan (2017) 138–139, 167–168.

<sup>46</sup> Brennan (2000) 481.

<sup>47</sup> Cic. *Verr.* 2.3.45.

<sup>48</sup> The so called ‘first triumvirate’ was only ever an unofficial association, and so named in retrospect, but this title is included here for ease of identification.

<sup>49</sup> Plut. *Crass.* 4.

<sup>50</sup> Plut. *Crass.* 4; Badian (1958) 266.

tion for continued influence in addition to his social connections (as we will see later), and Marius was already an extremely prominent political figure. M. Crassus in contrast was a younger man largely reliant on connections he may have made through his father in the region several years earlier. While in Hispania M. Crassus remained in hiding, supposedly in a cave, until after Cinna's death in 84. Upon hearing the news, M. Crassus raised a force of 2500 men and raided Malaca, now Malaga, before joining Q. Metellus Pius, who also had an army in Africa, and Sulla thereafter.<sup>51</sup> M. Licinius Crassus did not have *imperium*, and his ability to perform raids shows either a lack of sufficient protection against banditry in Hispania Ulterior, or the lack of a Roman official providing protection.<sup>52</sup> However, this armed force does not seem to matter after M. Crassus left Hispania, and the soldiers may have remained behind when he left the region. M. Crassus briefly met with Q. Metellus Pius in Africa but did not offer any notable military support to the pseudo-governor, leaving Africa before Pius' defeat. Instead, M. Licinius Crassus returned to Italy and volunteered to serve as a legate for Sulla. In that role he commanded alongside Pompey, who had also raised a military force without any *imperium*, composed of his father's veterans.<sup>53</sup> This example then shows the provinces, both Hispania and Africa, functioning as a safe refuge for M. Crassus. To flee Rome for the provinces obviously did not mean the end of one's political relevance, and if Crassus' ability to raid the countryside has anything to do with the circumstances of the civil war, then fleeing to the provinces also brought some opportunities to make some money.

## Provincial Communities in Sicily

If elite Romans in civil war eyed the provinces pragmatically, civil strife in Rome also created opportunities (and problems) for the many diverse communities and elite non-Roman individuals who also lived across the western Mediterranean. What role did these locals play in the outcome of Rome's civil war, and how were they involved? How and why does a Roman civil war matter to 'provincials'? In an argument put forth by Börm, the outcome of this Roman civil war did matter to local communities, but every community in the provinces had their own political environment, and it

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<sup>51</sup> App. *B Civ.* 1.90.

<sup>52</sup> M. Crassus was a private citizen, and it had been several years since his father's command. Nevertheless, Crassus still held the social connections generated by serving with his father when he was proconsul. As such, M. Crassus' force may have been mercenary-minded, motivated by plunder. It may have been that there were other small-scale conflicts between local communities and bandits at a higher rate than was usual for the Second and First Century Mediterranean. Unfortunately, rates of banditry cannot be tracked statistically using ancient sources. Grunewald and Drinkwater (2004) 1–2, 14; Verboven (2002) 55–62.

<sup>53</sup> App. *B Civ.* 1.80, 90; Cass. Dio 30–35, frag. 107.

was frequently these internal points of difference that decided how groups aligned and divided themselves in relation to the Romans. Börm argues that this was the case for Greek communities in the civil war of the 40s, but this would also likely be a factor in this earlier conflict.<sup>54</sup> These local communities were just as invested in the outcome of the conflict as many Romans, but they had good reasons to be so invested through their longstanding ties to Roman society in a local context.

In Sicily both Messana and Himera aligned strongly with the Cinnans and continued to support their cause even after the *propraetor* M. Perperna had fled and Pompey was securing the island in 82. Messana had long been a city favoured by Roman administrators, with historical grants in treaties likely benefiting them in comparison to their neighbours.<sup>55</sup> Messana rejected Pompey's authority to oversee a tribunal as forbidden by an 'established words' or law.<sup>56</sup> It is unclear if this refers to a standard practice for Rome or the more likely case that this was an enshrinement into local law of the terms of their treaty with Rome, as Plutarch does specify νόμῳ παλαιῷ Ῥωμαίων – "Roman words years old."<sup>57</sup> The city only narrowly avoided destruction by retreating in the face of threats from Pompey, who replied "stop quoting laws to those you know to be wearing swords!"<sup>58</sup> Nevertheless, Messana demonstrates a genuine interest in and connection to Roman norms of governance in resolving the crisis. The city's political culture was tied to its legal relationship with Rome and they had maintained that relationship with the regime that controlled Rome. Now they made appeal to a law that a Roman should recognise, if this was a treaty held between Messana and Rome, for their own protection and stability. Himera on the other hand is described as having sided with the previous governor, and there is little evidence that can be drawn upon to determine any concrete benefit to the community. However, a prominent local named Sthenius, explicitly a *δημαγωγός* (demagogue, popular leader), persuaded Pompey to forgo punishing the community by claiming to be the major driver of support for the Cinnans.<sup>59</sup> In describing himself as such Sthenius implies that his community needed persuading, that there was a choice who to support, and that he successfully made the case that there was a benefit to his community to support the Cinnans, a case he made so strongly they continued to offer resistance after opposition from any Romans in Sicily had ended. Local communities then were almost certainly invested in the outcome of a civil war because of benefit to their own communities, but this did not mean they made wise decisions. Börm has written that during the wars of the Second Triumvirate Greek cities "knew that Rome would al-

<sup>54</sup> Börm (2019) 153.

<sup>55</sup> Cic. *Verr.* 2.3.13; Prag (2014) 195–197.

<sup>56</sup> παραιτούμενων γὰρ αὐτοῦ τὸ βῆμα καὶ τὴν δικαιοδοσίαν ὡς νόμῳ παλαιῷ, Plut. *Pomp.* 10.2.

<sup>57</sup> Plut. *Pomp.* 10.2.

<sup>58</sup> Plut. *Pomp.* 10.2.

<sup>59</sup> Plut. *Pomp.* 10.6. On the role of demagogues in the political environment of Greek *poleis*, see the contribution of Simonton.

ways be victorious. But which side should they choose when Romans were fighting Romans?”<sup>60</sup> For the local communities of the Western Mediterranean of the 80s this problem may have been more pronounced. Cities in the East could look to external powers like Mithridates or the Parthians as a rival to Rome; cities in the West had no such option. In the West at this time there were often deeper and more interconnected ties of *amicitia* with Rome, more economic ties, and more to lose by siding against the victors, but when Rome fought itself local communities could see a benefit to aligning themselves and sticking with their chosen faction.

## The Example of Roman Africa

Roman Africa functions as an excellent case study for the role the provinces played in the civil war of the 80s. All our threads weave together in this one territory. Briefly, Africa became relevant to the civil conflict in 88 when it served as a refuge for C. Marius when he fled from Sulla’s first march on Rome.<sup>61</sup> Later, in 84, it would become the site of the first battle in the civil war between the proconsular commander Q. Metellus Pius and the governor sent from Cinnan Rome, C. Fabius Hadrianus. Both commanders also had the support of locals, notably two competing kings of Numidia, Hiempsal II and Hiarbus.<sup>62</sup> The resolution of both Rome’s civil war and these kings’ competing claims occurred simultaneously with the campaign of Pompey against Cn. Domitius Ahenobarbus in 82/81. Through these examples we can see all the different ways both Romans and locals in the provinces negotiated the complex circumstances of the civil war, and how their responses intertwined with each other.

Marius’ flight to Africa in 88 demonstrates how a region could provide political refuge for a private individual, particularly if they had existing connections in the territory. Marius’ ties to North Africa dated back to his command in the Jugurthine War (112–106), and included local kings such as Hiempsal II and Bocchus and, communities such as the settlements established by L. Appuleius Saturninus for Marius’ veterans of the conflict on the island of Cercina. As a result, despite the governor P. Sextilius turning him away and Hiempsal II attempting to capture him, Marius still found refuge in the territory among his former soldiers.<sup>63</sup> Obviously, he had initially viewed Africa as a safe point of retreat and his unwelcome surprise in this regard highlights how unclear the situation at Rome now looked for authority figures in the provinces. This ambiguity is especially clear in P. Sextilius warning the *hostis* Marius, but not

<sup>60</sup> Man hatte gelernt, dass Rom stets siegreich war, doch auf welche Seite sollte man sich stellen, wenn Römer gegen Römer kämpften? Börm (2019) 150. Trans. Vanessa Kreusch.

<sup>61</sup> App. *B Civ.* 1.62; [Aur. Vict.] *De vir. ill.* 73.1; Caes. *BAfr.* 56.3; Livy *Per.* 89; Plut. *Mar.* 39.

<sup>62</sup> Sometimes rendered Iarbus.

<sup>63</sup> App. *B Civ.* 1.62; [Aur. Vict.] *De vir. ill.* 73.1; Caes. *BAfr.* 56.3; Livy *Per.* 89.

attempting to capture him: Marius was a hero of Rome, and events in Minturnae had already demonstrated that his popular support could make detaining him difficult.<sup>64</sup> Marius was turned away from the mainland, but his other connections to the region were deep enough that he could still find some shelter in Africa. From here, and with other prominent supporters joining him in his flight from Rome, the island of Cercina became a site from which to regroup and prolong the conflict.

At some point after Marius returned to Rome, Q. Metellus Pius, who had served as praetorian proconsul late in the Social War, would move into the province of Africa. Despite his role in legitimising Cinna's consulship in the events of 87, Metellus Pius did not relinquish his *imperium*, and when the purges of Cinna and Marius began he brought his army to Africa. He had experience here from his service under his father Q. Caecilius Metellus Numidicus in the Jugurthine War.<sup>65</sup> In Africa, he allied with Hiempsal II, king of Eastern Numidia. The previous governor P. Sextilius disappears from the historical record after opposing Marius' arrival, so it is unclear whether Q. Metellus Pius displaced Sextilius, Sextilius had already left, or if Sextilius allowed Pius to remain.<sup>66</sup> P. Sextilius was clearly liked by some of the wealthy locals, having a translation of Mago dedicated to him, and Brennan suggests "it would be surprising ( . . . ) if he [Sextilius] dared to return to Rome."<sup>67</sup> For his part, Q. Metellus Pius' move to Africa did not close off the possibility of reconciliation with the Cinnans. The regime in Rome may well have hoped for this too, and that hope might explain their delay (up to two years) before sending a governor to contest the province. Yet the Cinnans eventually did send the praetor C. Fabius Hadrianus to retake Africa.

In 84 Q. Metellus Pius' army faced the incoming governor C. Fabius Hadrianus.<sup>68</sup> The extent of any fighting is difficult to determine, as Livy only notes that Q. Metellus Pius was defeated, but he retained enough of his army to give Sulla substantial military support a year later. The *Periochae* joins this first instance of hostilities to a decree from the Senate, led by Carbo and supporters of Marius, that reads: *ut omnes ubique exercitus dimitterentur* ("that all armies everywhere occupied were to be dismissed").<sup>69</sup> This decree may have been an attempt to end the continued escalation in light of a single victory for the Cinnan regime, but was more likely put forth to expose Sulla as an aggressive proponent of fighting the civil war to the end.<sup>70</sup> Whatever the case, the decree did little. Sulla did not step down, nor did the Cinnans halt their preparations for his return. Still in Africa and having been defeated, Metellus Pius retreated west with Hiempsal II to spend time at the court of Bocchus, King of Maureta-

<sup>64</sup> Plut. *Mar.* 39.

<sup>65</sup> App. *B Civ.* 1.62, 68–70, 80; Lovano (2002) 44.

<sup>66</sup> Brennan (2000) 542.

<sup>67</sup> Brennan (2000) 542.

<sup>68</sup> Livy *Per.* 84.5; Lovano (2002) 95.

<sup>69</sup> Livy *Per.* 84.5.

<sup>70</sup> Vervaeke (2023) 171.

nia and an associate of Sulla.<sup>71</sup> From Mauretania, Appian describes Metellus Pius as joining Sulla via Liguria, and the ambiguity of the nature of the war before 83 is driven home by Appian's use of *συνμαχία* to describe him joining Sulla's cause in Italy: Metellus Pius offered Sulla an alliance.<sup>72</sup>

The uncertainty in the situation is important to emphasise: Q. Metellus Pius was not definitely a 'Sullan' until he joined Sulla's cause in Italy in 83. Nevertheless, Metellus Pius's position in Africa was clearly distinct from C. Flaccus or C. Norbanus' positions in their respective provinces. Metellus Pius held *imperium*, to be sure, and this was not contested, but he held no mandate from Senate or People to govern Africa (cf. Cic. *Att.* 7.7.4). Despite this, his control of Africa may not have been challenged for two years. He existed in a kind of limbo. For the Cinnan regime Sulla was a *hostis*, while in contrast Q. Metellus Pius may have just been disobedient. When this limbo ended with the sending of Fabius Hadrianus, the hope may have been that a defeat would discipline Metellus Pius and demonstrate to any others on the fence between the two regimes which side they should be choosing. Instead, Q. Metellus Pius maintained his army, found shelter elsewhere, and joined Pompey and M. Crassus as part of the growing list of prominent Roman who were clearly aligned with the opposing regime in 83/82.

Q. Metellus Pius differs from M. Crassus and Pompey because he held *imperium*, granting him the right to lead an army. Metellus Pius' army was raised in the Social War, but his forces were likely bolstered by local troops in Africa when he and Hiempsal II fought C. Fabius Hadrianus and Hiarbus.<sup>73</sup> Unfortunately it is not clear whether any of these local soldiers travelled with Metellus Pius on the return to Italy. In Italy Appian refers to Metellus Pius' force as *σύνμαχος* – "those fighting with", or 'allies', but the Greek here could also mean auxiliary, in a similar manner to how the Latin *socius* means "one sharing or related".<sup>74</sup> Appian uses the related *συνμαχία* in the same passage, referring also to Q. Metellus Pius joining Sulla, but in this context *σύνμαχος* matches with the imperfect verb to refer to a force that had been under Q. Metellus Pius' command. Still, this may have just been a force from Italy and is not necessarily an example of a provincial fighting force present in Italy in any significant number. Rather, as with the cities of Sicily, it is more reasonable to assume that local forces remained invested in the local area, especially when Numidia and Africa were sites of conflict between local kings.

<sup>71</sup> Sall. *Iug.* 112–113.

<sup>72</sup> App. *B Civ.* 1.80. McGing suggests this is more likely a misreport of Libya; I do not agree. If Q. Metellus Pius was aided by the Numidian king and Mauritanian king, then a route from modern Algeria to Liguria to join Sulla on the road north from Brundisium is less roundabout than it otherwise might have been from Africa: McGing (2019) 155.

<sup>73</sup> Lovano (2002) 95.

<sup>74</sup> App. *B Civ.* 1.80.

We know Hiempsal II remained in North Africa throughout the civil war of the 80s, and his role in the conflict further demonstrates how provincial communities made choices about and potentially benefitted from Rome's political conflicts. Social, political, and economic connections between Rome and provincial communities and individuals were often very asymmetrical, and there was no doubt that Rome was the senior partner.<sup>75</sup> When this conflict developed in 88 it was the first moment in decades that many non-Roman provincial figures had an opportunity to hold power over a prominent Roman. As King of Eastern Numidia, Hiempsal II controlled his own territory but remained within the Roman sphere of influence. The kingdom had been created for Gauda after Jugurtha was defeated in 105 by Marius, and Hiempsal inherited the East after his father Gauda perished in 88. These kings were no strangers to Roman politics: Gauda had fought alongside Q. Metellus Numidicus and, according to Sallust, played a role in undermining the general for Marius to assume command.<sup>76</sup> Therefore, although Hiempsal was otherwise an independent monarch, there always loomed overhead the sword of Roman authority. He was in simple terms a 'client king', and his reign could flourish or flounder by grace of Roman authority. His choices on when and how to intervene in the conflict illustrate the deeply interconnected political reality of the Western Mediterranean.

When Marius arrived in Numidia Hiempsal II was faced with much the same dilemma posed to Roman citizens: to obey the regime in Rome or protect a *bene meritis de re publica* and family benefactor. More problematically, Marius had already been turned away from Roman Africa proper by the praetor P. Sextius and was now seeking refuge with the Numidian king. It is possible that Hiempsal II was seeking the choice that most favoured the status quo or slightly favouring Sulla, then in control of the city of Rome. Hiempsal II had connections to both Marius and Sulla as commanders in the Jugurthine War, but Sallust claims it was Sulla who was essential to its conclusion by cultivating a genuine friendship with the Mauritanian king Bocchus, and potentially the other North African kings.<sup>77</sup> Whatever the motivation, Hiempsal's attempted betrayal of Marius and his companions to Sulla illustrates the significant role for non-Romans in the conflict. From the earliest moments of the civil war the conflict is not just carried out between Roman military figures, but communities and community leaders who are negotiating their allegiances and the outcome of the crisis. Hiempsal likely had friendships on both sides and his decision to support Sulla may have been just as motivated by feelings of *amicitia*, or could be justified by those ties, as if the Numidian king had supported Marius. It seems more likely that in 88, with Sulla in charge of Rome and Marius fleeing, handing over Marius for the re-

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<sup>75</sup> Burton (2011) 63–75.

<sup>76</sup> *Itaque et illum et equites Romanos. . . impellit uti Romam ad suos necessarios aspere in Metellum de bello scribant, Marium imperatorem poscant*, Sall. *Iug.* 65.4.

<sup>77</sup> Sall. *Iug.* 103, 112–113.

wards often granted to foreign powers looked like the much safer bet to benefit Hiempsal and his kingdom.

Hiempsal II later formed a friendly relationship with Q. Metellus Pius in Africa. The support of a local king and his soldiers would have been a boon to Pius, and Hiempsal's action against Marius had incidentally aligned himself more closely with Sulla, who was now a *hostis* campaigning in Greece. Hiempsal also had his own enemies, with Western Numidia ruled by Hiarbus. For Hiempsal in 87, allying with Q. Metellus Pius secured his rule against this potential pretender, while Hiarbus could similarly provide mutual assistance to the Cinnans when their forces arrived in the area. Unfortunately for Hiempsal II, he and Metellus Pius were defeated and Hiarbus ruled the whole of Numidia from 84 to 82. In defeat both Q. Metellus Pius and Hiempsal II retreated west to join Bocchus, Sulla's old friend and the King of Mauritania. Metellus Pius would then leave for Italy, while in Africa Romans aligned with the Cinnan regime cultivated a relationship with Hiarbus.<sup>78</sup> However, other locals preferred the old state of affairs, and C. Fabius Hadrianus was burnt alive in his house in Utica reportedly because of his expropriation of wealthy Uticans' slaves for his benefit.<sup>79</sup> This left Africa without a Roman magistrate, and in killing C. Fabius Hadrianus the Uticans indicate a clear willingness to choose a side in the civil war through a lens of their own interests. Nonetheless, Africa was still viewed as a haven for Cinnan supporters months later, and there is no other figure seen acting as a Roman magistrate found in surviving literature until Cn. Domitius Ahenobarbus arrived in the region around 83/82.<sup>80</sup> Ahenobarbus also joined forces with Hiarbus until both were defeated in 81 by forces under the command of Pompey and Hiempsal II, who was restored to his throne in Numidia shortly afterwards.<sup>81</sup> Clearly, meaningful favours led to meaningful rewards, and the consequences of their actions were felt in full force by both Numidian kings.

## Conclusion

This chapter has focused on the Rome's western provinces, and as a consequence Sulla's command in Asia has been a shadow looming over the discussion: of central importance but never directly discussed. It is worthwhile briefly stating that Sulla's activity in Greece and Asia is the ultimate example of the role of the provinces as a material enabler of civil war. Sulla's command in Asia gave him the military might and financial means to resist Cinna and Marius, and without that capacity the conflict

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<sup>78</sup> Livy, *Per.* 89.7; Plut. *Pomp.* 12.4.

<sup>79</sup> Diod. Sic. 38.11; Livy *Per.* 86; Oros. 5.20.3.

<sup>80</sup> *MRR* 2.69.

<sup>81</sup> Lovano (2002) 96.

in Rome would have looked fundamentally different.<sup>82</sup> If this conflict had remained confined to Italy it may still have been violent, but it would be much more decisively resolved: more like the ends of the Gracchi or Saturninus, or at most the abortive risings within Italy of Catiline in 63 or Milo and Caelius in 48. However, putting aside any speculation, Sulla took advantage of the circumstances of his command to resist a *hostis* declaration and fight both a successful war against Mithridates and then a civil war. This paper has made the case that any provincial governor could, circumstances permitting, be a sort of doppelgänger of Sulla. C. Valerius Flaccus certainly had the means, as we can see from later uses of these western provinces as a base: the Sertorian War, Caesar's civil war, and the occupations of Sicily and Hispania by Pompey's sons all demonstrate a capacity for the materials of the provinces and the circumstances of a command to enable a conflict. It was a reality the Romans understood, as demonstrated by a letter of Pompey as it survives in Sallust. Written from Hispania during his command against Sertorius, it is addressed to the Roman Senate and reads "You are our only survival; unless you come to our aid against my will but not without my warning the army will cross into Italy, and all the war of Hispania with it."<sup>83</sup>

This capacity for a state's imperial possessions to provide the means for civil war was not unique to Rome. For example, the Spanish Civil War of 1936–1939 took place as it did in part because of Spain's presence in Morocco and its Army of Africa.<sup>84</sup> Earlier, Japan's colonisation of Hokkaido formed the basis of the short-lived Republic of Ezo, the last site of significant Samurai resistance to the Meiji restoration in 1869. In another ancient example, the satrapies of the Achaemenid Empire provided Cyrus the Younger with the footing to challenge his brother for the throne; this pattern would also emerge in many Roman civil wars of the imperial period. This chapter has identified one way the armies and materials needed for civil war can be found, with echoes elsewhere in history, but this was not the only possible pattern. Rather, in broad strokes Rome's provinces provided the means with which one could fight a civil war, just as imperial occupation would in other conflicts. Yet the nature of Rome's administration, military structure, economic, political, and social organisation, all led to this conflict occurring in the particular manner in which it occurred.

In this moment of political crisis for Rome's Republic, the western provinces were extremely important to the circumstances of the civil war and Rome's eventual slide into authoritarian rule. The administration of Rome's provinces continued as it had beforehand, relying on governors with *imperium* who, without necessarily aligning themselves to a specific regime, frequently remained in their position for several years. These individuals were a factor that had to be resolved before the civil war

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<sup>82</sup> Carbone (2024) 75–120.

<sup>83</sup> *Reliqui vos estis: qui nisi subvenitis, invito et praedicente me exercitus hinc et cum eo omne bellum Hispaniae in Italiam transgradientur*, Sall. *Hist.* 2.82.10M.

<sup>84</sup> On the Spanish Civil War and Francisco Franco, see the chapters by Pina Polo and Alcalde in this volume.

could be concluded. In this way the provinces were forges for authoritarian action within the Roman community, supplying material wealth, political connections, and military power throughout the political collapse of the 80s and thereafter during the Late Republic. For Roman individuals without *imperium*, the provinces provided a place of refuge or exile from the politics of Rome. It was a position of last resort, but for figures like the elder C. Marius or M. Crassus it offered an opportunity to preserve their life and return to Rome at a more opportune moment. In contrast, for local communities and rulers such as Hiarbus and Hiempsal II this Roman civil war was an opportunity to benefit themselves, albeit at great risk, and the people of the provinces were invested in Roman political outcomes despite this dilemma because their whole society had ties to Rome at every level. Nevertheless, the problem was not ‘should Rome be in charge?’ but rather ‘which Roman in charge benefitted me?’ More generally, had the provinces not played the part in this decade which they did, civil strife in Rome would have continued in the earlier pattern of the Gracchi and other conflicts, confined to the city and Italy. As such, those people involved in Roman politics in the 80s pioneer more than just the model of conduct in a Roman civil war, but also the logistical structures that allowed those wars to continue. When the Roman Republic fell into civil war and authoritarian rule, Romans looked from the provinces for their chance to strike, while provincial communities looked to their own security and socio-economic and political interests.

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Christian Hjorth Bagger

## In the Wake of Autocrats: The Plight of *Matronae* in the Late Republic

**Abstract:** The rise of dynasts, political mavericks, and would-be autocrats in the Roman Late Republic wreaked havoc on the socio-political elite. Through a series of case-studies, such as Licinia, wife of C. Gracchus, Metella, wife of Sulla, Terentia, Fulvia, and the so-called Turia this chapter reveals the impact of a socio-political elite society's struggles with authoritarianism as felt and experienced by the women of the Roman elite. This chapter further examines how major (often violent) events, as well as the legal and political tools used by the Senate and autocrats alike to deal with its (imagined or real) crises, while aimed at the male political elite, often had a profound impact on the wives, daughters, and sisters of those at whom they were aimed. Finally, the chapter looks ahead, offering similar examples of autocratic impact on women through modern history.

The history of the late Roman Republic (ca. 133–27 BCE) is riddled with stories of dynasts, self-serving politicians, and ambitious generals. The often-violent clashes caused by fierce internal rivalry between these would-be autocrats were rarely contained to the male sphere of operations, often spilling into the sphere and the very homes of the female elite, their children, and their families. The women of the socio-political elite, the *matronae*, continuously felt the impact of – and experienced trauma caused by the political, legal, and physical battles fought in the last century of the Republic. Innovations such as the so-called *senatus consultum ultimum*, the *hostis* declaration, and the proscriptions of Sulla and the triumvirate *r.p.c.*, were all aimed at the male political elite, but had profound direct and indirect impact on the wives, daughters, and sisters of those these tools targeted. This chapter therefore explores the much-neglected lived experience of the *matronae* of the socio-political elite during internal crises, and how they adapted to a society undergoing momentous change through continued fighting, encroaching laws and decrees, and the mass slaughter of the male elite.

This chapter shifts the focus from the perpetrators, the autocrats, to those who were perpetrated against, the elite women of Rome – not a homogenous group but rather a variety of groupings and individuals with different political and familial allegiances – and the impact autocratic rule had on their lives. By focusing on the women perpetrated against, we may gain new insights into the lived experience of elite

women, a group often neglected in modern studies of authoritarianism, and offer new ways of interpreting autocratic rule and its impacts, past and present.<sup>1</sup>

## Impact of the *Senatus Consultum Ultimum* and *Hostis* Declaration

When did women first feel the impact of authoritarian political and legal activities? There are abundant cases of autocratic behaviour found in the extant evidence, from which we get a reasonable idea of the subsequent impact on the women of senatorial standing. The current investigation focusses on autocratic activities originating in a legal and political framework in the Late Republic.

The death of Tiberius Sempronius Gracchus strikes as an obvious first marker given the immediate financial, emotional, and domestic impact felt by his wife, children, and mother.<sup>2</sup> Yet, his death was a result of a predominantly impromptu series of events. The death of his younger brother may offer more insight. Gaius Sempronius Gracchus served as tribune of the *plebs*, first in 123 and again in 122, and after gunning for a third term in 121, unsuccessfully, the senate, recognising the apparent danger to the state posed by Gracchus, and under the direction of the consul Lucius Opimius, enacted a political novelty. The senate issued Opimius with a *carte blanche* to deal with the rising internal threat and instructed Opimius to save the *res publica*.<sup>3</sup> In the following skirmish Gaius fled and committed suicide.<sup>4</sup> The novelty lay in the creation of a political emergency act with no base in legality, distinctly different from the office of dictator, designed to deal with an internal threat to the state posed by a citizen. Caesar names this decree in his *Bellum Civile*, calling it the *senatus consultum ultimum*, or The Final Decree.<sup>5</sup> By issuing the decree the senate had effectively sanctioned authoritarian control of the state, and, in doing so, allowed military force within the *pomerium* and the death of citizens without due process. Opimius seemed

1 For recent scholarship on Dictatorships, Authoritarianism, and Autocratic rule, see Levitsky and Way (2010); Svobik (2012); Geddes, Wright and Frantz (2014); Frantz (2018); Levitsky and Ziblatt (2018); Chua (2019); Meng (2020); Frye (2021); Kivotidis (2021); Levitsky (2022); Steinweis (2023); Levitsky and Ziblatt (2023).

2 See mainly, Plut. *Ti. Gracch.* 18–21.

3 Cic. *Cat.* 1.4: *Decrevit quondam senatus, ut L. Opimius consul videret, ne quid res publica detrimenti caperet.*

4 Plut. *C. Gracch.* 14.4–17.2; App. *B Civ.* 1.26; Plutarch calls the skirmish a battle (*C. Gracch.* 16.3–4). The deaths of the Gracchi were arguably the beginning of political violence used by the so-called *optimates* against politicians with *populares* leanings, see De Dijn in this volume on the response to feared populism in the ancient and modern world.

5 Caes. *B Civ.* 1.5.3: *extremum atque ultimum s.c.* See Morrell in this volume for a discussion on why the *s.c.u.* should not be considered an enabling law despite being a political emergency provision.

to bear all the hallmarks of an autocrat, persuading the senate into formalising the emergency powers and directing the public spectacle that prompted the immediate emergency.<sup>6</sup> Interestingly, due to the *s.c.u.* and its novelty and subsequent legal impact, we know how this measurement affected Licinia, the wife of Gaius, financially and the impact similar measures had on the wives of rebellious or ambitious husbands. Plutarch, in narrating the events following Gaius' death, comments in passing on the effect the *s.c.u.* had on the wives of the now-slain troublemakers:

[C. Sempronius Gracchus and Fulvius'] property was sold, and the proceeds paid into the public treasury. Moreover, their wives were forbidden to go into mourning, and Licinia, the wife of Gaius, was also deprived of her marriage portion.<sup>7</sup>

The seizure and following sale of Gracchus' property probably included the *res dotales* of Licinia.<sup>8</sup> Equally striking is the denial of mourning, suggesting that the *s.c.u.* implicitly revoked the citizen status of those it was aimed at, and, in doing so, annulled any marriage to a Roman *matrona*.<sup>9</sup> However, from the *Digest* we learn that Licinia did not lose her property, but regained it, presumably through the *actio rei uxoriae*:

According to Servius, a husband is responsible for fraud and negligence in connection with all the property in the dowry apart from money. This is also the view of Publius Mucius; for he stated it in the case of Licinia, the wife of Gracchus, whose dotal property had perished during the insurrection in which Gracchus was killed, saying that the property should be restored to Licinia since Gracchus was to blame for the insurrection.<sup>10</sup>

Upon confiscating the property of a husband against whom the *s.c.u.* had been aimed, there was no distinction between his property and the *dos* of his wife, though these two were strictly divided legally in the case of a *sine manu* marriage.<sup>11</sup> The legal view was that Gracchus, by instigating insurrections and forcing the *s.c.u.*, had become liable and was at direct fault (*culpa*) for the loss of Licinia's property – which is explicitly stated as physical property and thus specifying her *dos*. It demonstrates that the very

6 Plut. *C. Gracch.* 14.

7 Plut. *C. Gracch.* 17.5: καὶ τὰς οὐσίας αὐτῶν ἀπέδοντο πρὸς τὸ δημόσιον· ἀπέλειπαν δὲ πενθεῖν ταῖς γυναῖξί, τὴν δὲ Γαίου Λικιννίαν καὶ τῆς προικὸς ἀπεστέρησαν

8 On the *dos* in marriage, Treggiari (1991) remains the principal work. Vettori (2024) esp. 130–132, has recently discussed the seizure of dowries from Licinia through the civil wars of Caesar and the Triumvirate *r.p.c.*

9 It is very likely that the *hostis* declaration first issued by Sulla in 88 against the so-called Marians build on the same framework and took the *hostes* part (revoking citizen status) from the *s.c.u.* thus legalizing the potential killing. See below.

10 *Dig.* 24.3.66 (Iavolenus 6 ex post. lab.): *In his rebus quas praeter numeratam pecuniam doti vir habet, dolum malum et culpam eum praestare oportere Servius ait. ea sententia Publii Mucii est: nam in Licinnia Gracchi uxore, quod res dotales in ea seditione qua Gracchus occisus erat, perissent, ait, quia Gracchi culpa ea seditio facta esset, Licinniae praestari oportere.*

11 Dixon (1992) 51–52; *Dig.* 23.3.10 pr. (Ulpian); *Dig.* 23.3.42 (Gaius).

first *s.c.u.* had an immediate impact on the *matronae* and their substantial properties in the form of dowries, and that the women could take legal action to regain their property.<sup>12</sup> This first use of the *senatus consultum ultimum* provided a precedent for the type of political and legal measures that future dynasts and autocrats, such as Sulla, Marius, Pompey, Cicero, Caesar, and the triumvirate *r.p.c.*, could, and often did, follow (see below).<sup>13</sup> However, it was a two-edged sword. While some of the actions perpetrated by these dynasts were not specifically aimed at women, their actions spilled from the male-dominated world of politics and power, into the world inhabited by the wives, mothers, sisters, and daughters of the political elite. Women were not exempt from the political and legal abuse that followed in the wake of the ambitious autocrat; nor did they stand idly by. As the *s.c.u.* formed the political framework for the later *hostis* declaration, we must assume, with some 20 *hostis* declarations and several *s.c.u.* with an unknown death toll (both intended and collateral) during the Late Republic, that several *matronae* followed the (legal) precedent of Licinia throughout the period. In the near century that followed Licinia's plight, the elite women of Rome were not considered non-combatants in either political or civil wars.<sup>14</sup>

In 88 BCE, L. Cornelius Sulla utilized the precedent set by the *s.c.u.* to issue the first *hostis* declaration. Earlier that same year the tribune of the *plebs*, Publius Sulpicius, along with C. Marius who, though an older man, still coveted the Mithridatic command, had passed a law which transferred the command from Sulla to Marius.<sup>15</sup> In response Sulla turned his army on Rome and took the city with armed force. Sulla proceeded to have the senate and people condemn 12 leading men, including Marius and Sulpicius, by declaring them *hostes*, (foreign) enemies of the state.<sup>16</sup> Ironically, the creation of Sulla came back to haunt him in 87 when Marius, who had returned with a vengeance, had Sulla declared a *hostis*.<sup>17</sup> Contrary to the first *hostis* declara-

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12 First *s.c.u.*: Cic. *Cat.* 1.4; Plut. *C. Gracch.* 14.3; App. *B Civ.* 1.26. The danger of losing property distinctly belonging to the wife was at the core of Cicero's worries during his exile (Cic. *Fam.* 14.4.4). This in turn suggest that the exile decree by Clodius bore a legal resemblance to the *hostis* declaration and the *s.c.u.* in terms of impact on female members of the *domus* and *familia* (discussed below).

13 Caesar, however, returned the dowries to the wives of those slain in the civil wars (Cass. Dio 43.50.2). The triumvirs promised to return the dowries of wives of the proscribed, but never did so (Cass. Dio 48.14.1–2). Contra Vettori (2024) 129–130, I do not see this promise as an intent to preserve families and their finances, considering the later taxation of the 1400 *matronae* (see below).

14 McCurry (2019) 15–62, convincingly argue for women's many plights, roles as combatants, and actions during the American civil war. The condition is comparable to those of the Late Republic.

15 Livy. *Per.* 77.

16 Livy. *Per.* 77; Val. Max. 3.8.5; Plut. *Sull.* 10.1–2; *Mar.* 34.1–35.4; App. *B Civ.* 1.60; On the *hostis iudicatus*, see Cic. *Brut.* 168; Sall. *Cat.* 36.2; Vell. Pat. 2.64.4; Val. Max. 3.8.5. D'Arms (1968) treats the ensuing confiscations. For a recent study of the *iudicare hostes*, see Zuchetti (2022). The *hostis* declaration had the force of law, as not only the senate ratified it, but the people too.

17 App. *B Civ.* 1.73, 77, 81 also mentions Cinna as the instigator of the *hostis* declaration against Sulla.

tion, we are provided with specific information regarding the plight this caused to Sulla's wife, Metella, and their children, and by extension all those who were exiled and declared *hostes* along with Sulla.<sup>18</sup> Metella and the children were forced to flee Rome and Italy as they were actively hunted by order of Marius and Cinna.<sup>19</sup> The sources stress that all of Sulla's properties were either seized, confiscated or razed to the ground.<sup>20</sup> It is more than likely that Metella's own property was confiscated as well, considering the indiscriminate killings perpetrated by Marius and Cinna.<sup>21</sup> The unprecedented targeting of Roman women and children, specifically treating Metella as a combatant rather than a civilian and revered *matrona*, stands out as a vindictive move by Marius. Metella had in 88 aided the Marian exiles, acting as a mediator in the traditional role of an *uxor consularis*, by lobbying her husband for their return to Rome.<sup>22</sup> This subsequent targeting of her, seemingly the sole *matrona* targeted by Marius, along with the male adherents of Sulla cannot be explained as anything other than an attempt to exact vengeance and exert control over Sulla.<sup>23</sup> However, their escape saved Rome from a grim fate in 87 as Sulla continued the Mithridatic campaign instead of returning to Rome with fire and blood.<sup>24</sup>

When the senate passed the *s.c.u.* against Catiline, Manlius and the conspirators in 63, decreeing that the consuls, Cicero and Antonius Hybrida, should see to it that the *res publica* suffer no harm, Cicero had the conspirators still lingering in Rome arrested in their homes and summarily executed.<sup>25</sup> Appian writes that as the senate could not agree on what to do with the conspirators, Cicero went forcibly into their homes and had them taken directly to the execution block.<sup>26</sup> Plutarch adds a layer to the story by involving the vestals, the collective *matronae*, and Cicero's wife, Terentia.<sup>27</sup> The sacred rites of *Bona Dea* were being undertaken the very night the conspirators had been arrested. At the rites the sacred fire, thought to have gone out, sud-

<sup>18</sup> Sulla received several exiles and *hostes* fleeing from Rome prior to his invasion of Italy in 83: Livy. *Per.* 84; App. *B Civ.* 1.77.

<sup>19</sup> App. *B Civ.* 1.73, 77, 81. Marius was particularly vicious and had several senators and members of the 'Sullan faction' killed in violent ways, including the tribune Sex. Lucilius who was thrown from the Tarpeian rock (Livy. *Per.* 80; Plut. *Mar.* 45.1; Cass. Dio 30–35, fr. 102.12).

<sup>20</sup> Plut. *Sull.* 22.1; App. *B Civ.* 1.73, 77, 81.

<sup>21</sup> Cass. Dio 30.102.8–10.

<sup>22</sup> Plut. *Sull.* 6.10–12.

<sup>23</sup> While Marius had feuds with members of the *Caecilii Metelli*, Metella appears to be the only *matrona* targeted in this instance (see, n. 19), suggesting her status as Sulla's wife was the *causa* for the targeting of her.

<sup>24</sup> Sulla had had his command of the Mithridatic war restored in 88, though Marius had the command formally voted back to him in 87 (Plut. *Mar.* 45.6; App. *B Civ.* 1.75; *Mith.* 51).

<sup>25</sup> Sall. *Cat.* 29.2: *senatus decrevit darent operam consules ne quid res publica detrimenti caperet*; Plut. *Cic.* 15.5; Cass. Dio 37.31.1: Cf. Cic. *Cat.* 1.4; Drummond (1995) 78–113 discusses the *s.c.u.* and its context, legality and precedents as presented by Sallust.

<sup>26</sup> App. *B Civ.* 2.6.

<sup>27</sup> Plut. *Cic.* 20.1–3.

denly erupted into a great flame. The vestals interpreted the omen to be in favour of putting the conspirators to death and instructed Terentia to take the news to Cicero. Given the present crisis of state, religious fervour may rightly have been high, and this move provided Cicero with religious legitimacy in exacting the death penalty.<sup>28</sup> The *Bona Dea* rites concerned the preservation of the state, and no man really knew what happened at these rites. Terentia, a colleague in Cicero's political life—as he himself styled her—likely orchestrated these events to provide her husband with religious legitimacy for executing the conspirators.<sup>29</sup> Cicero later used the rites as justification along with the *carte blanche* provided by the *s.c.u.*<sup>30</sup> Importantly, the vestals and Terentia were assigned religious *and* political agency and direct influence over the states' politics. In whatever way it is framed, women played an active part in dealing with the conspirators.

As a result of his actions, Cicero came under heavy attack by the tribune of the *plebs*, P. Clodius Pulcher, in 58. Without specifically naming Cicero, Clodius proposed a bill, the later *Lex Clodia de Civibus Romanis Interemptis*, punishing all who had killed Roman citizens without due trial.<sup>31</sup> Cicero chose to abandon Rome and Italy, going into exile before the law was passed.<sup>32</sup> Lacking the protection of law, Cicero could not defend himself even though he had acted within the parameters of the *s.c.u.*, and Clodius proceeded to pass a bill officially exiling him by name.<sup>33</sup> Clodius' law also specifically saw to the confiscation of Cicero's property.<sup>34</sup> As a consequence, Terentia and Marcus junior were forced from their home. Terentia's dowry may very well have been confiscated along with Cicero's property.<sup>35</sup> Terentia, and presumably Marcus, took refuge in the Temple of Vesta where they should have been protected by the inherent sacrosanctity of the temple.<sup>36</sup> However, Clodius, ever the demagogue and

<sup>28</sup> Treggiari (2007) 45–47.

<sup>29</sup> Treggiari (2007) 45–47.

<sup>30</sup> Plut. *Cic.* 20.3. Plutarch used a now lost fragment of Cicero's work for events in 63.

<sup>31</sup> Cic. *Att.* 3.15.5; *Sest.* 25, 53–54; *Pis.* 16, 30; Vell. Pat. 2.45.1; Asc. 46C; Plut. *Cic.* 30–31; App. *B. Civ.* 2.15; Cass. Dio 38.14–17; Livy *Per.* 103. Technically, the collective senate were the target of this bill, not just Cicero, as they had allowed and voted on the *s.c.u.* Nonetheless, it seems that there was no legal recourse to counter actions undertaken under a *s.c.u.* prior to Clodius' bill. On populism (with figures such as the Gracchi, Clodius and Caesar often being styled *populares*) in the ancient and modern world, see the contributions of Elliott and de Dijn in this volume.

<sup>32</sup> Plut. *Cic.* 31.5; Cass. Dio 38.17.4. Cicero went to Thessalonica but never became a naturalized citizen.

<sup>33</sup> Cic. *Att.* 3.4, 12, 15, 20, 23; *Fam.* 14.4; Asc. 10C; Plut. *Cic.* 32; Cass. Dio 38.17.7.

<sup>34</sup> Cass. Dio 38.17.6–7: His property was confiscated; his house was razed to the ground as though it had been an enemy's.

<sup>35</sup> Cicero and Terentia were married *sine manu*. Cicero alludes to *her* property (which was not confiscated) in his letters e.g., *fam.* 14.1. Cicero was concerned that Terentia's property might be confiscated along with his.

<sup>36</sup> Cic. *Fam.* 14.2; Rawson (1983) 116; Treggiari (2007) 61.

autocrat himself, had her dragged (*ducta*) from the Temple to stand before the tribunes.<sup>37</sup> Despite being harassed by Clodius, Terentia met the challenge of lobbying for Cicero's return while safeguarding their son and her own property, and she proved herself more than capable. Regardless of no longer legally being Cicero's wife (*uxor iusta*), Terentia was constantly working for Cicero's return and maintaining his spirits – a difficult job as Cicero was suicidal at times and severely depressed.<sup>38</sup> She and Tullia wore mourning clothes in public, making a quiet protest and spectacle showcasing their grief and hardship.<sup>39</sup> They visited the friends of Cicero who were in a position to bring about a recall, and the women would have made use of the network of the *ordo matronarum*, of which they were both prominent members. The lobbying of the senators and the business of maintaining properties, wealth and status was not a simple task, as Cicero's letters clearly indicate. Terentia also kept Cicero apprised of financial matters, including the potential sale of some of *her* property.<sup>40</sup> Terentia was clearly in charge of Cicero's and her own property, and was the chief organizer for his return, labouring both physically and mentally, all while experiencing severely poor health.<sup>41</sup> Being the wife of an exile, Terentia would have been considered somewhat of a social pariah in the eyes of a large part of the elite. Cicero, too, technically no longer a citizen, would for all purposes be regarded as socially and politically dead.<sup>42</sup> This left Terentia in difficult circumstances in Rome.<sup>43</sup> She was, however, not left without allies. Atticus worked tirelessly for Cicero's return and for the safety of his family, as did Piso Frugi, Calpurnius Bibulus, Lentulus Spinther and Rabirius Postumus.<sup>44</sup> Terentia's efforts paid off. Cicero was restored in 57 and returned to Rome. Terentia was far from the only wife to lose a husband to involuntary exile. Countless women in the Late Republic were likely faced with the same responsibility thrust upon them, the same heartaches experienced, similar financial troubles and forced to

37 Cic. *Fam.* 14.2; *Dom.* 59; Dixon (1984) 82–83. On demagogues and their role in the erosion of “democratic” rule, ancient and modern, see Simonton in this volume.

38 Treggiari (2007) 61. Cicero, while (perhaps) not being deprived of his citizenship, was not allowed to enter Rome and could not exercise his citizen duties – rendering him *de facto* stateless. If Cicero was no longer a citizen under the conditions of the exile, the marriage to Terentia would be annulled as no Roman, man or woman, could marry a non-Roman, see also n.42 for sources and discussion.

39 Cic. *Fam.* 14.2; *Red. Pop.* 8: *pro eodem me absente . . . Nam coniugis miserae squalor et luctus atque optima filiae maeror adsidui filii parvi desiderium mei lacrimaeque pueriles . . .*

40 Cic. *Fam.* 14.2 explicitly discusses the sale of a village owned by Terentia. A source of continuous income and of great importance to not only Terentia but more so the future of young Marcus Cicero, whom Cicero expected, or hoped, would be able to pursue a political career, funded in part by Terentia's wealth.

41 Cic. *Fam.* 14.1, 2, 3, 4. Cicero constantly worries about her health in his letters (14.3).

42 *Dig.* 4.5.5, 11; *Gai. Inst.* 1.128, 158–163; for a discussion on the citizenship status of Cicero during his exile, see Treggiari (2007) 58–59. Cicero's conditions of exile were framed by a law and not the customary escaping of a trial and conviction thus resembling the Sullan *hostis* framework.

43 See, Dixon (1984) on Terentia and Tullia.

44 Cic. *Fam.* 14.1; *Planc.* 73; *Balb.* 58; *Rab. Post.* 47; Treggiari (2007) 66 cf. n. 59, 60.

beseech men of power to recall their husbands from exiles prompted by *hostis* declarations, proscriptions, or civil war. The mere threat of a *hostis* declaration could cause severe distress to even a veteran politician's wife such as Fulvia.

While M. Antonius was besieging the city of Mutina in an attempt to force Decimus Brutus to hand over the province of Cisalpine Gaul in 43, Cicero was attacking Antonius in the senate, arguing for the Assembly to issue a *hostis* declaration against him.<sup>45</sup> Making use of the same tools as Terentia, Fulvia and Antonius' mother, Julia, wearing black mourning clothes and untethered hair, went from house to house imploring the leading senators to obstruct the vote and stop the declaration from being issued.<sup>46</sup> They followed senators on their way to the senate house and, when the women could go no further, they wailed, wept and shouted their prayers from the gates to the senate chambers. A *hostis* declaration would mean hardships and loss of status for Fulvia and her children, and her and Julia's efforts were very visible and sincere. Had it not been for Cicero's ardent oratory, Fulvia and Julia would have succeeded in their endeavours.<sup>47</sup> Antonius was declared a *hostis* and the impact was felt immediately by Fulvia. Antonius' sizable estates, property and wealth were seized, and his children left without legacy. Fulvia likely relocated to her house on the Palatine while being viciously targeted, chiefly by attempts to deprive her of her property, and 'she was distracted with lawsuits, and troubled with great terrors (*terror*) . . . and was unable after her reverse in fortune to discharge the debt regarding a property she had previously purchased'.<sup>48</sup> She was facing lawsuits from creditors, who wanted their pound of flesh, but she is likely to have undertaken a number of *actiones rei uxorae* herself, too, in order to regain her lost *dos*. Fulvia's circumstances illustrate the very real physical, legal, and financial danger a *matrona* could face when her husband was on the 'wrong' side.

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45 Cic. *Phil.* 4.2, 8.1–2: He demanded the *hostis* declaration and that the conflict at Mutina be styled a war (*bellum*) not an unrest or public emergency (*tumultus*).

46 App. *B Civ.* 3.51. This happened between January 2<sup>nd</sup> and 3<sup>rd</sup> judging by Cicero's change in rhetoric, describing Fulvia in *phil.* 6.4–5 as a *mulier avarissima* for the first time. The wearing of mourning clothes was a classic form of protest, as Treggiari (2007) called it, used by men and women alike (Plut. *C. Gracch.* 10.7, 13.5: Cic. 30.6–31.1).

47 App. *B Civ.* 3.51.

48 Nep. *Att.* 9.1–5. Nepos represents the only (contemporary) source depicting the struggles of Fulvia and framing her in a more favourable light. Other sources predominantly paint Fulvia as a *matrona* who was too ambitious, too manipulating and wanting in female virtues, e.g., Cicero, Plutarch, Cassius Dio.

## Reign in Blood: The Proscriptions

Returning to Italy in 83 BCE, bringing fiery vengeance, civil war and chaos, Sulla marched on Rome and had himself declared dictator *sine provocatione* in late 82.<sup>49</sup> The *lex Valeria* made Sulla dictator with a wide range of extraordinary powers, including the power to issue edicts with the force of law.<sup>50</sup> Sulla, always the innovator, deployed a new legal tool, proclaiming the first proscriptions; listing political enemies and wealthy citizens as marked for death, and legalising the killing of *matronae*.<sup>51</sup> It is doubtful the actual proscription lists included the names of women, but the edict allowed for the killing of them via association.<sup>52</sup> The edict promised death to all who aided and abetted those proscribed. Livy provides an example of a wife faced with this dilemma. The proscribed Samnite rebel and Italian leader Mutilus sought to take refuge at his wife's house in 80, presumably thinking this would be safe as the proscription lists closed in June 81.<sup>53</sup> His wife, Bastia, refused him entry on the grounds that he was a proscribed man, leading Mutilus to commit suicide at the doorstep of her house.<sup>54</sup> Had she sheltered Mutilus, she would have endangered the entire household including herself, not putting it past the henchmen of Sulla to kill everyone within the walls. Better that Mutilus died, and the family (and perhaps their children) lived on. This was a matter of preserving the family rather than the individual.

After retaking Rome, but before the passing of the *lex Valeria*, Sulla ordered bloody massacres carried out, in which numerous elite women and children were killed indiscriminately 'as if they were captives taken in a war'.<sup>55</sup> Following Marius and Cinna's lead from 87, elite women were being actively targeted and killed. The novelty lay in the *lex Valeria* which shrewdly made the killings legal with retroactive force.<sup>56</sup> The rationale behind the killings of women is not clear, however, Sulla must have recognised the untapped resources the elite women possessed and moved to secure them. The *de facto* proscription of women was likewise a tool of vengeance, with Sulla not having forgotten the brush with death Metella and their young children had had during their flight from Rome. Elite women had also financially supported Sulla's

49 On the reconquest of Italy and Sulla making himself dictator, see Vervaeke (2023).

50 On enabling laws such as *lex Valeria* and the later *lex Titia*, see Morrell in this volume.

51 Plut. *Sull.* 31.1–6; App. *B Civ.* 1.95; Cass. Dio 33.109.11–13.

52 Plut. *Sull.* 31.4, specifically mentions parents (γονεῖς) could be killed if they aided their proscribed children; App. *B Civ.* 1.95, provides the edict, which includes the death penalty for *any* who aids or conceals the proscribed.

53 Livy *Per.* 89; Vervaeke (2023) 224.

54 *admissus non est, quia illum proscriptum diceret* (*Per.* 89). The case of Mutilus may be unique as he was a Samnite who had actively fought against Sulla on several occasions. The closing of the proscription lists may also have been a PR stunt from Sulla's side. Caesar did not deem it safe to return to Rome until after Sulla had died in 78.

55 Cass. Dio 33.109.10–12. See, Thein (2017) on Sullan violence.

56 On the novelty of women being killed and the Valerian Law, see Vervaeke (2023) 202–203, 248.

enemies going back all the way to the outbreak of hostilities in 88, and Sulla was now in a position to retaliate against those who had opposed him, men and women alike. Sulla was extremely vindictive and ruthless in victory, a fact harrowingly demonstrated in the capturing of Praeneste where Sulla ordered the entire city's population, with no exceptions, executed.<sup>57</sup> A man capable of this onslaught of civilians and with close to absolute power would have no qualms in ordering the Roman female elite, otherwise off limits, killed for petty vengeance and monetary gain.

Enormous amounts of property were confiscated and auctioned off during the proscriptions, leaving a multitude of families destitute.<sup>58</sup> This would unquestionably have included the abundance of *dos* otherwise entitled to the *matronae*.<sup>59</sup> Had this been the *s.c.u.* or a confiscation under the *hostis* declaration, the *matronae* could have regained their property through the *actio rei uxorae*. However, Sulla specifically made legal provisions to avoid this by taking 'from the descendants of the proscribed persons all power of reclaiming the property of their ancestors'.<sup>60</sup> While this was chiefly aimed against the sons and male relatives, the provision impacted the wives and daughters as well. They were not able to reclaim their *dos* under Sullan law, and without substantial personal wealth the *matronae* and entire families might plummet from social standing and grace just for being associated with a proscribed man.<sup>61</sup> One loophole did, however, exist for the particularly wealthy *matronae*. Italy had been exhausted of its male elite by continuous war, with military losses estimated at a staggering 200,000 men, of which some 150,000 were Roman citizens.<sup>62</sup> Along with the indiscriminate killings committed by shifting autocratic leaders in the 80s as well as somewhere between 1500 and 2600 being proscribed and killed in the Sullan proscriptions, the severe loss of men impacted the social elite, creating an economic vacuum which the *matronae* could fill during the proscriptions. The vast amount of property auctioned off in Rome was likely purchased by the only large group left in Rome financially capable of doing so, the *matronae*, and, in so doing, the women retained their property and regained that of their male relatives, which they could preserve for inheritance for their children if they did not sell the properties for a profit later.<sup>63</sup>

<sup>57</sup> Livy *Per.* 88.

<sup>58</sup> The proscriptions yielded an astounding amount of wealth, reportedly upwards of HS 350,000,000, see Vervae (2023) 224 cf. Steel (2018) 229.

<sup>59</sup> Confiscation of property, including *dos*, continued throughout the Late Republic, see Cass. Dio 43.50.2, 47.25.1–2.

<sup>60</sup> Livy. *Per.* 89.

<sup>61</sup> The daughters would lose any potential dowry, an instrumental part of match making in elite Roman society; On Roman marriage Treggiari (1991) remains the principal work.

<sup>62</sup> Vervae (2023) 207.

<sup>63</sup> As the case of Cornelia, likely Sulla's daughter, acquiring Marius' house and reselling it (Plut. *Mar.* 34.2). For a similar view, see Welch (2023); see, Tobin (forthcoming) on women and the auctions under Sulla. Of course, we must assume that large parts of the properties went into the pockets of Sulla's adherents and Sulla himself too.

Nearly 40 years after Sulla's proscriptions, the triumvirate was formed and legalized under the *lex Titia*.<sup>64</sup> Following the dictator's example, the triumvirs drew up lists for a renewed round of proscriptions. Like Sulla, each triumvir had political and personal enemies, and each was invested with extraordinary powers, which could be exercised *sine provocatione*.<sup>65</sup> The triumvirs abstained from proscribing women directly, but the edict did not exclude women from being killed if aiding any of the proscribed.<sup>66</sup> Appian provides the most detailed narrative of the proscriptions and its impact on women.<sup>67</sup> In contrast to Sulla, who had undertaken his mass slaughter in public and in the light of day, the orders to kill some 12 or 17 of the so-called conspirators complicit in the murder of Caesar were carried out under the cover of darkness before a proscription edict was made public.<sup>68</sup> Four of the conspirators were found in their homes while having dinner and were killed in front of family and friends, and without hesitation. The wife and family of the tribune L. Salvius saw armed soldiers breaking into their home, ordering them to remain where they were, while a centurion grabbed Salvius by the hair and dragged him onto the dinner table and beheaded him, taking only the severed head and leaving the bleeding body on the table.<sup>69</sup> The killings, especially the many carried out at dinners and in homes, would undoubtedly have been an extremely violent, abrupt, and traumatic experience for anyone who saw them, not least wives and children. The head of a proscribed man would be brought to the triumvirs as proof and the city and Italy were littered with corpses, with and without heads attached.<sup>70</sup> While some tried to save their relatives, others sought to condemn them, and Rome descended into a state of *stasis* worthy of Corcyra.<sup>71</sup> Through devotion and courage shown by wives and children in attempting to hide their loved ones, they too suffered death alongside those whom they had tried to save.<sup>72</sup>

For nearly a century the female elite had suffered due to the ambition, cruelty, and relentless behaviour of would-be autocrats and state sponsored violence. This environment forced women to take unprecedented public action as groups and as individuals, demonstrating elite women's capability for agency to the observer of history.

64 App. *B Civ.* 4.2–3; Cass. Dio 46.54–55: in November 43 BCE. Official title: *tresviri reipublicae constituendae*.

65 On the framework of the triumvirate *r.p.c.*, see Vervaeke (2020).

66 App. *B Civ.* 4.8–11: recounts the full length of the proscription edict: *B Civ.* 11 explicitly states that any who abets, saves, or colludes with a proscribed will in turn be proscribed themselves. This included women.

67 App. *B Civ.* 4.6–48 treats several *matronae* who were impacted by proscriptions in detail. The scope of this chapter does not allow for an extensive investigation of these women here.

68 App. *B Civ.* 4.6.

69 App. *B Civ.* 4.17.

70 On severed heads and the proscriptions, see Lange (2020).

71 Thuc. 3.69–85.

72 App. *B Civ. Civ.* 4.15.

## *Feminae Principes* and Authoritarianism

The proscriptions did not yield the desired wealth from the confiscated properties the triumvirs so sorely needed. They instead sought to impose a war tax on the so-called *ordo matronarum*.<sup>73</sup> This was a blatant attack by the triumvirs, and Appian equates this with proscription of the *matronae*.<sup>74</sup> Like Sulla before them, the triumvirs looked at the *matronae* and saw an untapped well of wealth, both in the form of physical property and in monetary and portable wealth. When the triumvirs imposed the war tax on the *ordo*, the *ordo* in turn mobilized. The famous Hortensia speech in 42 shows women in concert and protesting Triumviral taxation.<sup>75</sup> The speech does, however, indicate that elite Roman women were not a homogenous group with shared goals. As the tax was imposed, the *ordo matronarum* received it as an affront to their status and their inherent impartiality as *matronae* of the Republic and sought to put up a (rare) united front. They therefore went to the female relatives of the triumvirs to seek their support.<sup>76</sup> All supported the cause of the *ordo*, being members themselves, but Fulvia. The lack of support from a single *femina princeps* crippled the efforts to pursue the traditional behind-the-scenes intercession and caused the women to alter course and instead confront the triumvirs directly. Fulvia could have had several reasons for refusing to aid the *ordo*. Fulvia stood to gain by the tax, likely being exempt herself, and she had nothing to gain by opposing her husband. Quite the opposite. Like women in the Sullan proscriptions, Fulvia had undoubtedly gained property and wealth through the proscriptions and benefitted from the present regime.<sup>77</sup> Without the support of Fulvia, the *matronae* elected Hortensia their spokeswoman and confronted the triumvirs in the Forum. Hence the autocratic taxation forced the women to take direct action against the triumvirs in a public political (male) space.<sup>78</sup> Unanimous support from all of the immediate female relatives of the triumvirs were not needed in order to sway the triumvirs in private and behind-the-scenes mediations, yet they nevertheless chose to confront the triumvirs in a public setting. Why? The women of the elite were well educated and understood politics and, most importantly,

73 App. *B Civ.* 4.32. Coincidentally, this piece also suggests that at least 1400 *matronae*, likely the bulk of the female elite, were married *sine manu* and to an extent *sui iuris*. They would have to own their own property and manage their own wealth in order to be eligible for taxation. See Steel and Webb (forthcoming) on women, wealth and power in the Republic; In the same volume, on restrictions and *tutela* regarding women and their wealth, see Morrell (forthcoming).

74 App. *B Civ.* 4.5.

75 On the speech and its authenticity, see mainly Hopwood (2015).

76 App. *B Civ.* 4.32. *Femina Principes* of 42 BCE were Fulvia, Octavia and Julia according to Appian. Octavian's wife Claudia was likely too young to be considered so by the *ordo* and Appian alike.

77 Pliny *NH* 36.24; Plut. *Mar.* 34.2; App. *B Civ.* 4.29. Fulvia may have utilized the events to exact petty revenge on the *ordo*, see Finn (forthcoming) on Fulvia and revenge.

78 On gender and space and the public, see Trümper (2012); On the politics of public space, see Russel (2016); On women becoming visible in Rome, see Richlin (2021).

they understood their own role within politics. It was not Hortensia's speech, though famous and eloquent, that carried most weight with the populace, but the triumvirs' blatant disregard for the sanctity of the *matronae*, ordering them removed from the forum by force of the armed lictors.<sup>79</sup> The *matronae* counted on their near-sacred position in Roman society and their revered status rather than any oratory, and they used their social position, status and the popular opinion to force the triumvirs' hands.<sup>80</sup>

The continued dynastic infighting could also impact a *matrona* for the better part of her life. No evidence portrays this as strongly as the so-called *Laudatio Turiae*.<sup>81</sup> The husband had joined the Pompeian faction in Macedonia sometime in 49 and his great escape and comfortable living overseas was being financed by his wife, 'Turia'.<sup>82</sup> Meanwhile, with Rome in chaos and in the husband's absence, their house on the Palatine was assailed by thugs of Milo, the former owner, and the wife had to defend their property and repel the attackers.<sup>83</sup> Finally, the wife interceded with Caesar to secure the safe return of her husband, and obtained the famous Caesarian clemency.<sup>84</sup> Thus, she was supporting her husband financially, protecting their property and lobbying the male political elite.

Come 44, Caesar lay dead and, with the triumvirs fresh out of the gate, the husband once again opted for the losing side. He was proscribed and aiding a proscribed man was potentially deadly. Nonetheless, the wife disregarded the proscription edict and hid her husband, got him out of Italy at her own peril and enlisted several friends to her cause.<sup>85</sup> Once again, the wife sought to redeem and restore her husband to Rome. This time she obtained a pardon from Octavian, but the edict was refused by

<sup>79</sup> App. *B Civ.* 4.34. The triumvirs readjusted the tax to be levied against six hundred women instead.

<sup>80</sup> See, Webb (2019) on elite female status in the Republic; see, Kunst (2016); Webb (2022) for female interventions in the Republic.

<sup>81</sup> *CIL* 6.41062; Vell. Pat. 2.67.2; Val. Max. 6.7; App. *B Civ.* 4.11–23; On the *laudatio*, see Osgood (2014); Hopwood (2019). The husband and wife remain unidentified.

<sup>82</sup> *CIL* 6.41062, 2.2–5af. This implies that ready portable currency was not at hand for the husband. Rather the wife was supporting his survival via her personal wealth, suggesting that women may have been more liquid than men in the Roman economy of the elite in the Late Republic, cf. Treggiari (2007) on Terentia during Cicero's exile. On women's economy in the Late Republic, see Dixon (1984); Culham (2014); On the Roman economy in the Late Republic, see Kay (2014); Cascio (2016); Beck, Jehne and Serrati (2016).

<sup>83</sup> *CIL* 6.41062, 9–10af: the wife likely armed the slaves and household to fend off the mob (cf. Cic. *Fam.* 14.18.2: Terentia taking similar measures during Caesar's march on Rome). She had defended property via law prior to the civil wars (*CIL* 6.41062, 10f., 18–23f).

<sup>84</sup> Following the traditional approach also pursued by Octavia during these years *vis-à-vis* her husband Marcellus, see Bagger (forthcoming).

<sup>85</sup> *CIL* 6.41062, 4–10f. This act brought herself in danger as well as any associates under the proscription edict (see above).

Lepidus, who had his lictors mistreat the wife in public.<sup>86</sup> The story of the so-called Turia offers a window into the life of a *matrona* during the trials of civil wars and proscriptions. Exactly because we cannot identify her with any certainty, and as nothing else is known of her, she comes to represent what was likely a very common experience of the civil wars and the plight suffered by the female elite.<sup>87</sup> The wife is synonymous with all the *matronae* we do not hear of in the narrative texts, and we can expect that she was amongst those protesting the triumvirs in 42, just as we can expect a large number of the women of 42 would have had similar experiences.<sup>88</sup>

Unsurprisingly, we hear more of the immediate female family members of the dynasts during times of autocratic leadership. The two most prominent and continuous female co-stars in the Triumviral era are, without contest, Fulvia and Octavia.<sup>89</sup> Depicted by ancient authors as polar opposites, the two *matronae* have fascinated scholars through the ages. Interestingly, Fulvia became somewhat of a female autocrat in a world otherwise governed by men. As the wife of Antonius, she allegedly had men added to the proscription lists, refused to aid the *ordo* in 42, usurped the senate (and Lepidus) in 41 and led the military campaign against Octavian in Italy, ultimately failing as the ‘Fulvian’ forces at Perugia surrendered in 40.<sup>90</sup> That Fulvia played an active and very public role in the Perusine war is attested by the Perusine *glandes* bearing her name.<sup>91</sup> Contrasting Fulvia, Octavia enters the Triumviral narrative in 39. As the sister of Octavian and by 39 the wife of Antonius, she too benefitted from the autocratic rule of her husband and brother, yet she is described as the ideal *matrona*, the ‘modern’ Cornelia and anti-Fulvia, supporting the *ordo*, aiding the proscribed, and ensuring internal *concordia* between the rival triumvirs.<sup>92</sup> Octavia and Livia Drusilla further felt the benefits of being in the inner circle of an autocrat, when, in 35, they were granted public statues, freedom from tutelage, and the sanctity of the tribunes

<sup>86</sup> CIL 6.41062, 11–18f. This story is likely exaggerated, as Lepidus would hardly mistreat a *matrona* so harshly in public. It may reflect Augustan propaganda, which framed Lepidus as the lesser Roman as opposed to himself.

<sup>87</sup> At least some 1400 women according to Appian as told in the Hortensia story. The wife was likely among those who protested.

<sup>88</sup> App. *B Civ.* 4.15–4.48 provides several (positive and negative) stories of the experiences and actions of the *matronae* during the proscriptions.

<sup>89</sup> On Fulvia, see mainly Babcock (1965); Welch (1995); Fischer (1999); Rohr Vio (2013); Schultz (2021); Lange (forthcoming); On Octavia in the civil wars and Augustan era, see Bagger (forthcoming); Van Geel (forthcoming).

<sup>90</sup> Fulvia and Proscriptions: App. *B Civ.* 4.29 (cf. Val. Max. 9.5.4); Cass. Dio 47.8.2–5; Refusing the *ordo*: App. *B Civ.* 4.32; Usurping the senate: Cass. Dio 48.4.2–5; Perusine War: Vell. Pat. 74.2; Flor. 2.16; Plut. *Ant.* 26.1, 30.1–2; App. *B Civ.* 5.14, 5.33, 5.50, 5.52; Cass. Dio 48.5.1–5.

<sup>91</sup> CIL 6721.5, 6721.14. Small lead projectiles used with slingshots at the siege of Perugia. On the *glandes*, see Hallett (1977).

<sup>92</sup> Plut. *Ant.* 35.1–4; App. *B Civ.* 4.32, 5.93–95, 4; Cass. Dio 47.7.4–5, 48.54.3–4; cf. Bagger (forthcoming). By 36 Lepidus was dethroned by Octavian and now there were only two triumvirs.

by Octavian via a *senatus consultum*.<sup>93</sup> Notably, this was a clear move by Octavian, elevating ‘his’ women in status to reflect his current position as Master of Italy, as well as laying the foundation of the later imperial household.<sup>94</sup> For Livia, formerly married to the enemy, a *matrona* on the run from Octavian, this was a marked improvement in life.<sup>95</sup>

After the capture of Alexandria and the deaths of Antonius and Cleopatra in 30, the Republic transformed.<sup>96</sup> Octavian took the name Augustus in the settlements of 27 and became the *de facto* absolute ruler of Rome, ushering in nearly two millennia of Roman and quasi-Roman Emperors who ruled the European continent.<sup>97</sup> Augustus sought to restore the moral sovereignty of the Roman state, in part by rebuilding the Roman elite. Through social legislation promoting marriage, encouraging childbearing, and enacting hefty fines and penalties for those choosing to stay unmarried or childless, Augustus implemented a wide range of incentives, highlighting traditional conservative female roles.<sup>98</sup> Among the incentives were the *ius trium liberorum*, granting women who had had three or more children freedom from tutelage. As benevolent as this might appear by the ‘good’ Augustus, the laws had initially caused such an affront to the elite, women and men alike, that they had rioted (*tumultus*) against them and forced Augustus to revise them.<sup>99</sup> One of the concessions was the *ius liberorum*. The opposition continued and in 9 C.E. Augustus gathered all the married and non-married men, praising those who had married as good citizens and lecturing those who had not for their lack of patriotism.<sup>100</sup> The resistance to the *leges Iuliae* continued under Tiberius where women had resorted to circumventing the law on adultery, by registering as prostitutes, thus forsaking their rights as *matronae* but also any punishment under the *leges Iuliae*. Milnor rightly observes that the *leges Iuliae* transferred the morality (*pudicitia*) of women from the private sphere and control of the *pater familias* to the control and interest of the state, and the elite strongly op-

<sup>93</sup> Cass. Dio 49.38.1; Livia Drusilla had married Octavian in 39/38; Octavian himself had obtained the inviolability of the tribunes in 36 and would later be granted the power of the tribunes. On the importance of the relationship between the tribunes, their powers and republican role, and a rising autocrat, see Lanfranchi this volume; On *tutela* in the late Republic, see Morrell (forthcoming).

<sup>94</sup> On the grants of 35, see Flory (1993); Hemelrijk (2005).

<sup>95</sup> On Livia Drusilla and her life, see Barrett (2004).

<sup>96</sup> For a discussion of the inevitability of Actium, see Lange (2009).

<sup>97</sup> Counting the Eastern/Byzantine Empire, the continuation of the Roman Empire under Charlemagne and his successors, and the Heiliges Römisches Reich.

<sup>98</sup> *RGDA* 8, Augustus styled the laws as *novae* but in accordance with the *mos maiorum*; Eck (2019) 80; See, Milnor (2005) 141 n. 2 for a bibliography on the social legislation of Augustus; Cass. Dio 56.3.6–8.

<sup>99</sup> Suet. *Aug.* 34: *Leges retractavit et quasdam ex integro sanxit, ut sumptuariam et de adulteriis et de pudicitia, de ambitu, de maritandis ordinibus. Hanc cum aliquanto severius quam ceteras emendasset, prae tumultu recusantium perferre non potuit nisi adempta demum lenitate parte poenarum et vacatione trienni data auctisque praemiis*. Milnor (2005) 140–154 touches on the gendered nature of the *lex Iuliae*; Eck (2019) examines the opposition to the Augustan social legislation.

<sup>100</sup> Cass. Dio 56.1–10.

posed such an encroaching set of laws.<sup>101</sup> The transition into monarchy did not mean complete harmony between the socio-political elite and the ruler.

## Ripples through Time?

As we have seen, being a woman and a member of the Roman elite did not protect the *matronae* from the fallout of the Late Republic's struggles with authoritarianism and these struggles did not end with the establishment of autocratic rule under Augustus. Women were at times directly targeted, often became victims indirectly, suffered physical, economical, and psychological hardships, and became an object for state control as a new regime took power. Yet, this was confined to the ancient world. Or was it?<sup>102</sup> In the grim postscript of his book, *Auf Dem Weg Ins Imperium*, David Engels predicted that with the current challenges experienced in Europe and the western world, the only viable solution would be one akin to the establishment of the principate of Augustus.<sup>103</sup> That is, a radical authoritarian and conservative reform of our present society. Indeed, we have already seen frightening parallels to Augustus' laws and his views on women emanating from politicians and leaders from the 20<sup>th</sup> century and still see them to this day.

In Nazi Germany, Hitler, with his plan for a great Aryan community, the *Volksgemeinschaft*, issued orders to the SS to father at least four children as part of the *Lebensborn* programme.<sup>104</sup> In the same spirit, the regime heavily advocated for the roles of mothers and wives as the ideal and chief achievements of women. The Reich needed children. Like Augustus, the regime offered incentives to have more children, here in the forms of financial support and special rights. As a substitute for the *ius liberorum*, mothers of four or more children were given the Cross of Honour of the German Mother. And, unsurprisingly, abortion was criminalized – a thing Augustus would have done too, no doubt.

The similarities do not end with Nazi Germany. Looking at its paramour, Fascist Italy, we see similar views on women. Coming out of the Great War, there was a strong, though misguided, sense that the women of Italy had 'invaded' the male sphere of employment – not unlike the views many ancient authors share of the Roman *matronae*. As a result, the Fascist movement strongly emphasised the maternal and domestic roles of women, advocating early marriages and encouraging having multiple children. The 'Problem of Problems', as the declining birthrate was styled,

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<sup>101</sup> Milnor (2005) 151–152: the *lex Iulia de maritandis ordinibus* also specifically made marriage and reproduction a matter of state control.

<sup>102</sup> See De Dijn in this volume for a survey of populism and authoritarianism in modern history.

<sup>103</sup> Engels (2013).

<sup>104</sup> On the fall of the Weimar Republic and German democracy, see Alcade in this volume.

was countered with heavy propaganda, proclaiming women's duty to produce children, their role to stay in the home and raise a large number of children and take care of the family. Like the *leges Iuliae*, men too were penalized for not marrying! To emphasize and stress the importance of these female roles, organizations such as the *Figlia della Lupa*, *Le Piccole Italiane*, and the *Giovani Italiana* were formed to prepare Italian girls for their roles as mothers and wives.

Interestingly, early communist rule in Russia actually benefitted most women. A new Family Code was passed into law, which gave equal rights to women, recognized illegitimate children and gave them full rights, loosened the laws on divorce, and legalized abortion in 1920. Additionally, communal facilities were established with the express purpose of relieving women of household chores. As Stalin rose to power, however, he had many of the key laws in the Family Code reversed. He re-criminalized abortion, tightened the laws on divorce, emphasising family life as a virtue, and the rights of illegitimate children were revoked. As the final nail in the coffin, he closed the 'Women's Bureau' claiming that female emancipation had been achieved. Alas, the conservative leader had arrived. To this day we still see conservatism prevailing in Putin's Russia. On March 8, 2023, in a speech honouring women "who fulfilled their duty", Putin said: "In our country, the recognition of the merits of women working professionally is harmoniously combined with a deep understanding of the enduring importance of motherhood and traditional values."<sup>105</sup>

We close on the United States. In the context of women, the overturning of *Roe vs. Wade* by the Supreme Court is most troubling. As of October 2024, 41 states had bans in place, with 13 states having total bans on abortion.<sup>106</sup> The reasoning behind this seems to me to be found in Christian conservatism. Interestingly, the polls suggest that the majority of the American population is for legalising abortion. As such the Supreme Court ruled against popular opinion but in line with the "ruling elite".

So, what can we take away from all of this? From the ancient to the modern world, women have been attacked, both intentionally and unintentionally, in times of rising authoritarianism. As an autocrat comes into power, conservative opinions prevail and a drive to re-establish a patriarchal structure, designating women as mothers and wives, emerges. We saw this happen in the ancient world, and we see signs of it happening today. But today, as in the ancient world, we see fierce opposition against such measures. The mechanics of the ancient world's authoritarianism are not that different from those of present day, as this volume firmly establishes, and the study of them may help present-day society to better understand and combat new autocratic regimes.

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<sup>105</sup> The Moscow Times. <https://www.themoscowtimes.com/2023/03/08/putin-celebrates-russian-women-who-fulfill-their-duty-a80424> (seen 29.10.2024).

<sup>106</sup> The 2024 US elections may see several bans altered, lifted, or strengthened.

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Jeff Tatum

## Just Another Word? The Lure of *Libertas* in the Seventies

**Abstract:** Marlies Glasius has proposed an approach to diagnosing authoritarianism and its rise which emphasises a fine-grained analysis of *authoritarian practices* observable in specific episodes. The trend of these practices may or may not result in a political culture which is aptly described as authoritarian, and a close examination of these trends can lend nuance to any assessment of the politics of a particular place and time. This chapter endeavours to apply Glasius' methodology to the events of the 70s BCE, a decade in which historians often detect the origins of the republic's decline, by way of Pompey's rise, toward the authoritarianism of Caesar's dictatorship. An argument is advanced that, by formulating political and social conflicts in terms of *libertas* and its protection (especially by tribunes of the *plebs*), the governing class resorted to a form of *accountability sabotage* which obviated political reforms of a kind which might have alleviated social discontent in the city and in the countryside (comp. also Vervaeke, Dart and Rafferty). These diversionary tactics, which often resulted in authoritarian practices, foregrounded and in important ways exacerbated popular anxiety over *libertas* and rendered the tribunate a site for future conflicts which elevated authoritarian practices to genuine authoritarianism.

Authoritarians love liberty – and love defending it. At least in Rome. There it was a passion exhibited in the violent careers of Sulla, Pompey, Caesar, and Augustus. And others.<sup>1</sup> *Libertas* was volatile stuff, and the sheer force of the Romans' passion for freedom and their willingness to take up arms in its protection is undeniable, certainly in the 50s and 40s and 30s.<sup>2</sup> So central was *libertas* to the Romans' thinking about the *res publica* that first-century historians insisted on its centrality in the belated legends and memories they accepted as the truths of the city's early history.<sup>3</sup> And they regarded it as a melancholy truth that claiming to be a champion of *libertas* was often the pose of a would-be autocrat, a conflation which continues to confuse. Indeed, a recent trend in classical studies reveals a pronounced and perhaps unexpected willingness to accept as genuine Caesar's avowment

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1 Sulla: App. *B Civ.* 1.57; cf. Tatum (2011) 171; Lange (2019); Pompey: Caes. *BAfr.* 22.2; Caesar: Caes. *BCiv.* 1.22.3; Augustus: *Mon. Anc.* 1.1. Antony: Tatum (2024) 175–177. Caesar's assassins: Arena (2012); Hodgson (2017).

2 Syme (1939) 155; cf. Wirszubski (1968) 100–106.

3 Elaborating the past by way of current controversies: (i.a.) Mommsen (1864) 285–318; Mommsen (1879) 113–120; Cornell (2005); Neel (2015); Zenk (2021).

that he invaded Rome as its liberator – a devotion to freedom, it is also urged, that was sustained by his heir.<sup>4</sup>

Perhaps few would doubt that at some stage in their careers Sulla and the rest *were* authoritarians. If so, what, exactly, do we mean? Among political scientists, there is no universally agreed-upon definition of authoritarianism. Nor of populism, a related phenomenon.<sup>5</sup> Like democracy, another value-laden term, or rather, what Walter Bryce Gallie described as an *appraisive* term, these are all specimens of what a philosopher must deem an *essentially contested concept*.<sup>6</sup> The simplest, most straightforward, and perhaps least contestable shape of authoritarianism is domination by a Strong Man. Even champions of Caesar or Augustus will accept the aptness of that model even if they reject its application to their protagonist. Still, looking for Strong Men who seize their moment to aim at political mastery is an obsession of ancient and modern historiography alike.

This is our familiar approach to apprehending authoritarianism in Rome – including in the 70s, the decade with which Sallust commenced his *Histories* and in which more than one modern historian has diagnosed the origins, or at least the potential origins, of the republic's collapse into the strong-man rule represented by Caesar's dictatorship. From this perspective, Pompey the Great, by way of his extraordinary military commands, is something of a colossus bestriding a narrow world. His brilliance casts an unattractive light on an inept Sullan senate, from whom the populace, animated by a passion for *libertas* in the shape of a rehabilitated tribunate, is increasingly alienated. This combination culminates in the elections for 70, at which Pompey is elected consul because he is an appealing Roman hero who champions the tribunes' cause. It is by way of this Pompeian trajectory, punctuated by extraordinary commands and a highly exceptional rise to political high office, that we tend to structure our accounts of the 70s and their subsequent influence. For Syme, the decade marked the starting point for his chapter, *The Domination of Pompeius*, and the *Cambridge Ancient History* includes the 70s under the rubric, *The rise of Pompey*.<sup>7</sup> Modern debates over the success of the post-Sullan constitution, though less biographical in focus, concentrate nonetheless on the senate's failure to rein in Pompey and the establishment's capitulation in the matter of the tribunate's rehabilitation, populism which

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4 Wiseman (2009) 177–210 (e.g., p. 198: 'Caesar's power was not usurped, but granted constitutionally by the only authority competent to do so'); Morstein-Marx (2021): e.g., p. 606: Caesar saved the republic "from an oligarchic clique which had trampled on the rights of the people, as represented by the tribunes"; Wiseman (2019) 1–15: e.g., p. 10: "Augustus, in the People's name, had tamed the arrogant aristocrats".

5 Authoritarianism: Glasius (2018). Populism: Fuentes (2020). See also the chapters by De Dijn and Elliott in this volume.

6 Essentially contested concepts: Gallie (1956).

7 Syme (1939) 28; Seager (1994) 208; cf. Seager (2002) 30–39; Fezzi (2019) 41–53; cf. Ungern-Sternberg (2014) who, in his focused review of the crises leading to the fall of the republic, shapes his account round leading figures.

in the end accrued to Pompey's benefit.<sup>8</sup> In looking for authoritarianism in the 70s, then, we might be tempted to invoke Levitsky and Ziblatt and their focus on the peril entrained for any constitution which is distorted by an erosion of norms.<sup>9</sup>

But there are other approaches, which urge us to look beyond the personalities of the grand and exceptional figures who dominate our historical narratives. In her recent, important work, Marlies Glasius rightly complains that denominating regimes or individuals as authoritarian, whatever that means, is simply too blunt an approach for getting at the workings of authoritarianism. Instead, she recommends a more fine-grained analysis of specific episodes, one which isolates what she calls *authoritarian practices*.<sup>10</sup> Just as democracy manifests itself along a spectrum, she suggests, so, too, does authoritarianism, and we will understand it better if we investigate it by way of its particulars in various, specific places and times. In some instances, authoritarian practices may make only cameo appearances. Or, they may accumulate and spawn further authoritarian practices, the multiplication of which alters the political environment in significant ways. Although this approach does nothing to solve the problem of authoritarianism's definition, it furnishes a technique which, because it concentrates on particulars instead of making broad, sweeping pronouncements, is useful for teasing out important developments in Roman society, beginning in the 70s.

Impediments are many, not least the difficulties thrown up by our principal source, Sallust. It is not simply that the *Historiae* are fragmentary, though that is a problem, but rather the reality that he supplies readers with a narrative into which he has embedded his own reductive view of history – one we tend to share. It is Sallust's emphasis on the significance of the rehabilitation of the tribunate and the rise of Pompey the Great that modern historians rely on. And one can see why: the 60s and 50s were increasingly marked by the authority of Pompey and animated by tribunician exertions, all of it leading to Caesar and the triumvirs. One detects a very neat

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8 Gruen (1974) 6–46; Flower (2010) 135–142. On the 70s, see Steel (2013) 126–131; Santangelo (2014). Two incidents in Pompey's career during the 70s, which will not be dealt with here, continue to attract attention as signs of creeping authoritarianism. (1) In 77, Pompey refused to disband his army, instead requesting that he be sent to Spain in aid of Metellus Pius, who had requested support but in vain because no senior senator was willing to go; Pompey's refusal was doubtless one part of a broader controversy aiming at finding a solution to Metellus' difficulties – Pompey was supported if not actually encouraged by L. Marcius Philippus (*cos.* 91) – and this controversy stemmed from a deficiency in military leadership, on which see Blösel (2011); in short, an erosion of norms, perhaps, but nothing deemed dangerous at the time: Seager (2002) 32; Fezzi (2019) 43. (2) In 71, neither Crassus nor Pompey dismissed their armies before the consular elections, but the suggestion that these were actions designed to extort a consulship is mistaken; soldiers in arms were valuable attributes during canvassing (Tatum [2019] 22) and in any case both men were popular choices among every social class: Seager (2002) 36; Fezzi (2019) 53. By contrast, a different view is maintained by Vervaeke (2006).

9 Levitsky and Ziblatt (2018).

10 Glasius (2018); Glasius (2023). Admittedly, authoritarian practices, like authoritarianism, throw up problems of definition and identification.

teleology, and Sallust makes it neater still by installing in his account of the 70s the conditions and priorities of his own day, thereby dissolving the very real differences between the last decades of the republic.

A single and familiar example will suffice here. Sallust gives L. Marcius Philippus (*cos.* 91) a speech in which he attacks M. Aemilius Lepidus' aggression in 77 and castigates the senate's indolence. There one finds an unmistakable reprise of diction, phrasing, and arguments from Cicero's *Philippics*, delivered in the 40s.<sup>11</sup> Lepidus is a menacing proconsul with whom a timid senate persists in seeking fruitless negotiations, while the republic relies on the courage of a senior if dodgy ex-consul, who is presently to recommend the services of a young *privatus* who will be endowed with *imperium*. By way of techniques like this, Sallust reimagines the politics of the 70s and inscribes a vital, indeed causal relationship between that decade and the circumstances of the historian's own day.

Sallust's parallels are provocative, but his real focus is on the recurrence of similar paradigms: Philippus' speech also includes allusions to Cicero's *Catilinarians* and to Cato's speech in Sallust's *Catiline*.<sup>12</sup> Sallust intrudes into the Romans' past the political miseries of his determined present, an aspect of what Jennifer Gerrish labels Sallust's *analogical historiography*, and these miseries are recorded by way of *ad hominem* instantiations of alloyed virtues and vices, the palpable shape of a woeful but ineluctable destiny.<sup>13</sup> For Sallust, the 70s are, in a very real sense, the 40s and the 30s: the beat goes on. And later writers got in step. Appian, in his highly concise account of the decade, has time only for the military rise of Pompey and Crassus, but includes a claim that Pompey was elected consul only because he took up the cause of the tribunes. Appian then concludes his first book with the pageantry of the dishonest reconciliation between these two antagonistic Strong Men, a pantomime proleptic of the dishonest statesmanship of the triumviral period.<sup>14</sup>

Although we possess the critical acumen to untease these historiographical techniques, we find it difficult to evade their effects. Sallust's uncomplicated version of the 70s, as we have seen, is, by and large, ours. But, as Glasius cautions, this unanalytic perspective runs the risk of missing out a lot that matters. Which is not to say that caudillo charisma was not a significant facet of the Roman republic's lapse. But we all of us know there is more to the story than that, and for the reception of the 70s we should, following Glasius, push open our aperture even as we focus it sharply in other directions. In what follows, I try to apply her sound advice by looking at two aspects of endangered *libertas* during the 70s, neither of which throws up a Strong

<sup>11</sup> Sall. *Hist.* 1.66R; cf. Perl (1969); La Penna and Funari (2015) 237–238.

<sup>12</sup> La Penna and Funari (2015) 238.

<sup>13</sup> Grethlein (2013) 268–308; Feldherr (2021) esp. 1–17 – each concentrating on Sallust's *Catiline*. Analogical historiography in Sallust's *Historiae*: Gerrish (2019). See also the chapter by Elliott in this volume.

<sup>14</sup> App. *B Civ.* 1.105–121.

Man but each of which exhibits a range of what appear to be authoritarian practices. These slices of life in the 70s are hardly exhaustive, but in their aggregation, I suggest, they contributed in important ways to a subsequent amplification of authoritarian practices in the following decades.

First, let us look outside the capital, where (by the 70s) the bulk of Roman citizens resided. Here the very preservation of *libertas* was at stake. Roman citizenship, a manifestation of *libertas*, was the Italians' prize in the Social War, but whatever that meant to people in the municipalities and the countryside, it remained less than fully achieved in post-Sullan Rome.<sup>15</sup> Wracked first by war and then by the violence inflicted by Sulla's invasion, much of Italy suffered from unrest, disaffection, and severe hardship.<sup>16</sup> In 78, an uprising of the dispossessed in Etruria led to a revolt under the command of the consul Lepidus, who promised to restore to the Italians what they had lost.<sup>17</sup> Thus he became a hero able to recruit soldiers both locally and from elsewhere in Italy. Soon he commanded an army of at least six legions.<sup>18</sup> It required extraordinary measures and fierce fighting to suppress him, but from the senate's perspective the fall of Lepidus was the end of it. Whatever was wrong in the countryside was deemed sufficiently resolved by the application of military force.

But the deplorable social conditions which animated Lepidus' revolt subsisted. Eventually violence in the countryside, incited or exacerbated by rural poverty, attracted attention in Rome, but official regulations against it erased the plight of the desperate poor by defining all perpetrators as criminals or fugitive slaves.<sup>19</sup> Hence the scale of Spartacus' rebellion in 73, which was joined in great numbers both by runaway slaves and by impoverished free men.<sup>20</sup> Like Lepidus, Spartacus too fell to Roman arms. But desperation in Italy did not for that reason evaporate. Now it is difficult for us to assess the misery of the Italian countryside, not least because our sources show next to no interest in it and people at the bottom leave few traces. Still, even the provisional results of the Roman Peasant Project make clear the sheer precarity of low-level agricultural life – in routine circumstances.<sup>21</sup> The post-Sullan period, however, was anything but that.<sup>22</sup> Which is why outbreaks of rural disorder persisted into

15 *Libertas* and the Social War: Str. 5.4.2; cf. Wirszubski (1968) 66–70; Dart (2014) 9–42.

16 Santangelo (2007) 147–193; Steel (2013) 131–138; Jung (2017).

17 App. *B Civ.* 1.107; cf. Rosenblitt (2019) 45–80 (who assembles the evidence).

18 Brunt (1971) 448.

19 Lucullus' edict regulating rural violence: *MRR* 2.93. Rural violence and category confusions: MacMullen (1966) 255–268; Shaw (1984) esp. 23; 30–31; Frier (1985) 52–56; Lintott (1999) 128–129.

20 Cic. *Verr.* 2.61; Sall. *Hist.* 3.90–99M; Plut. *Crass.* 8–11; App. *B Civ.* 1.116–121; cf. Bradley (1989) 83–101; Shaw (2001); Piccinin (2004); Le Bohec (2016).

21 Bowes (2020).

22 Str. 5.4.11; cf. Scheidel (2007); Roselaar (2010) 281–288; De Ligt (2012) 247–283; Kay (2014) 160–167; Santangelo (2019); Roselaar (2019) 237–252 (emphasis on the propertied classes); Pasieka (2022) (methodological pitfalls). Optimistic scenarios offer an important counterpoint to our (problematic) literary sources, but these depend on inadequate quantitative evidence (not sufficiently corrected by compar-

the 60s. The 50s present something of a blank, but misery and desperation are again apparent in the 40s, most conspicuously in the events leading to the Perusine War.<sup>23</sup>

Did the suffering of a serious segment of the rural poor matter to the health of the republic? Perhaps it is useful to diagnose, in the senate's indifference to a sizeable quantity of the citizens it governed, an opening to authoritarian practices. Recent transnational studies emphasise how economic decline, especially a collapse into deprivation, coupled with a sense of one's social disposability – what some political scientists label *status-decline* – stimulate reactions which can lead to an acceptance of authoritarianism, tolerated for the sake of one's protection.<sup>24</sup> It is probably fair to posit similar reflexes amid the ugly atmosphere suffusing Italian backwaters. True, their alienation could be tolerated by the elite so long as outbreaks of discontent could be repressed through force. But the agents of force, Rome's armies, were – like Lepidus' legions and many of Spartacus' forces – increasingly supplied by the rural poor. And during the civil wars, when authoritarianism unambiguously reared its ugly head, it was these armies which mattered most. In the 40s, Roman armies, angry over unpaid stipends and pensions, marched on Rome and plundered Italian cities – even as they fought for *libertas*.<sup>25</sup>

Now it has become unfashionable to draw unflattering attention to any bad behaviour exhibited by the soldiery during Rome's civil wars.<sup>26</sup> But perhaps, anxious to avoid appearing elitist, we have overcompensated. True, some in Sulla's and Caesar's armies will have responded intelligently to the constitutional arguments in their commander's harangues. For other men, however, oratory of the kind delivered by the two dictators-to-be very likely supplied them with moral cover. Matters were hardly different for troops serving Antony, Octavian, or Brutus and Cassius. The matter, to be fair, is complicated, and it would be wrong to despise the soldiery because it was affected by selfish motives amid struggles over the future of a republic, the Roman centre of which had never been a friend to them.<sup>27</sup> But the old view that the rural poor who manned the legions, especially during civil war, were many of them disaffected from the government in Rome still has something to be said for it. And who can blame them? The origins for this estrangement are not hard to find, as we

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ative data). Still, if it is true that, alongside the economic inequalities existing between rich and poor, the living conditions of many peasant farmers were in fact improving during the first century, the resulting gap between them and the desperately poor can only have exacerbated the latter's alienation.

23 Perusine War: Tatum (2024) 229–252.

24 Rodríguez-Pose (2022); Adiosnmez and Onursal (2023).

25 Tatum (2024) 164–176; 236–238.

26 Keaveney (2007) 37–55; Morstein-Marx (2022); Brice (2020); Steel (2020) 202–203; Morstein-Marx (2021) 605–606; Rosenstein (2022) (nuanced). Soldiers recruited from rural poor: Brunt (1971) 95–96; 253–265; 391–415.

27 Motivations: de Blois (2007); Brunt (2008) 257–265. Conscription of the rural poor: e.g., Schmitthenner (1960); Gabba (1976) 47–95; Brunt (1988) 273–274; De Ligt (2007).

have seen. Their hostility can be traced to the mistreatment of their *libertas*, which many will have deemed synonymous with *their* rights and security.<sup>28</sup> Unsurprisingly, a leader who could sustain a claim that he would protect these rights, if the present is any guide to the past (though here we begin to sound like Sallust), will have attracted devotees.

Rural desperation the senate largely ignored. Not so the circumstances of the more prosperous new citizens in Rome's municipalities. Conflict over the disposition of Rome's new citizens after the Social War led to the crisis of 88 and the civil wars which supervened. Although Sulla finally permitted the new citizens to be distributed throughout the rural tribes, it was not until the census of 70 that these voters could be enrolled in centuries and become eligible to cast ballots in the centuriate assembly.<sup>29</sup> Consequently, the distinction between old citizens and new citizens persisted through the 70s – notwithstanding the increased presence of new citizens among Rome's magistrates and senate. The transformation of Rome's electoral landscape introduced by the census of 70, however, was nothing short of profound.<sup>30</sup> Nor could it have been obvious that, with the introduction of new voters in the First Class, Rome's political elite would endure. And yet they did. Although new men proliferated, the consulship (and therefore leadership in the senate) remained mostly the possession of the nobility.<sup>31</sup> This was an astonishing political achievement, the tactics of which attract no interest in our sources. But we can draw reasonable inferences by way of the electoral techniques and the mechanisms of authority which are visible to us in the 60s and thereafter. It is clear, for instance, that grandees invested in properties in regions ripe with First Class voters, becoming neighbours and patrons – and in other ways they exerted themselves in cultivating *gratia* with influential types in rural tribes.<sup>32</sup> Still, this top-level political integration did not resolve lingering animosities in the municipalities: even men of property in Italy remained suspicious of Roman grandees and their circles, often with good reason.<sup>33</sup> Nor is there any indication that the senate, although infused by Italian aristocrats, became inclined to address the social ills afflicting needy citizens in the countryside.

It appears that the Roman governing class appropriated elements of the Italian aristocracy in much the same way Rome co-opted provincial elites in its empire.<sup>34</sup> And, in doing so, they outsourced the problem of the rural poor to the locals. Further-

<sup>28</sup> *Libertas*, rights, and security: Brunt (1988) 296–297; 331–334; 518–519; Arena (2012) 45–72.

<sup>29</sup> Sherwin-White (1973) 134–149; Brunt (1988) 93–143; Bispham (2007) 161–204; Moatti (2018) 149–156; Tatum (2022) 558–562; Vervaet (2023) 129–146.

<sup>30</sup> Dench (2013); Rafferty (2021).

<sup>31</sup> Wiseman (1971); Badian (1990).

<sup>32</sup> Yakobson (1999); Tatum (2018) 174–175; 225–226; 241–244.

<sup>33</sup> Frier (1985) esp. 52–98; Stewart (1995) 74–75; Lomas (2012); Santangelo (2016).

<sup>34</sup> Italy: Scuderi (1989); Santangelo (2017) 66–77. Empire: Dmitriev (2005) esp. 308–312; Fournier (2010); Dench (2018) 29–46; 87–95; 105–133.

more, through the pushmi-pullyu dynamics of selective elite co-optation, they rendered even important people in the municipalities dependent on powerful friends in the capital. There was nothing secret about the transactional quality of any friendship between a senator and a man whose standing was merely local. Quintus Cicero spells it out in the *Commentariolum Petitionis*: Italians *need* protection.<sup>35</sup>

Here we can detect several authoritarian practices. Let us begin with the senate's outsourcing of the problem of rural poverty, a shift which fits under the rubric of what Glasius describes as *accountability sabotage*: in this one move the senatorial class rendered local elites responsible for a crucial social problem and, by way of that responsibility, rendered them more than ever implicated in their dependent relationship on the same senatorial class.<sup>36</sup> As for local elites themselves, it is obvious how the complexities of their relationship with the senatorial order, including the constant if mostly implicit threat to their *libertas* (in the sense of *dignitas* as well as security), led them to look for defenders, in which search it was results that mattered most.<sup>37</sup>

It is this kind of relationship that helps to explain outbreaks of municipal indifference to the ideological features animating Roman political conflicts. At the onset of the civil war in 49, Cicero complains to Atticus that municipal leaders talk the talk of republican values, but the reality is that they will embrace Caesar so long as he leaves their assets alone: "they think of absolutely nothing else", he laments, "but their lands, their precious little farmhouses, and their precious bits of money".<sup>38</sup> Elsewhere he is blunter: complaining of capitalists and landed-gentry, he asks: "do you think they fret about living under a tyranny? That they would never exclude so long as they remain leisured and at peace".<sup>39</sup> This qualified sense of *libertas* was perhaps not a direct result of the senatorial order's aggressively transactional relationship with the propertied classes of Italy, but the multiple and everyday instantiations of these authoritarian practices contributed to this political environment. And for the future of the republic, the position of the municipal propertied classes, not least their long-cultivated self-interest, mattered a great deal.<sup>40</sup>

Let us turn from the countryside to the capital, where *tribunicia potestas* was a recurring issue of the 70s. In some respects, the restoration of the tribunate is unsurprising, but it is far from clear that it was the public who clamoured for it. After all, Sulla preserved the safeguards which mattered most to most people: tribunes kept the veto and *auxilium* and, almost certainly, *spectio*, the fundamental and essential powers they needed in order to protect the people's rights. But he removed any capac-

<sup>35</sup> Q. Cic. *Comm. Pet.* 31.

<sup>36</sup> Glasius (2018); Glasius (2023).

<sup>37</sup> *Libertas* and *dignitas*: Brunt (1988) 328.

<sup>38</sup> Cic. *Att.* 8.13.2.

<sup>39</sup> Cic. *Att.* 7.7.5; cf. Cic. *Att.* 9.12.13; 9.13.4.

<sup>40</sup> Interesting discussion by Mouritsen (2022) esp. 237–268.

ity for introducing legislation.<sup>41</sup> And although he allowed ex-tribunes to enter the senate, he forbade them from holding any subsequent office, an innovation which rendered the office unattractive to the ambitious.

In practice, this restriction will not have mattered to most tribunes: the bulk of the post-Sullan senate were destined to remain *pedarii* – and many, perhaps most of these men were doubtless delighted simply to have attained the majesty of senatorial status.<sup>42</sup> Nonetheless, Sulla's regulation rendered the tribunate unattractive to men of a lean and hungry look, and they wanted it back. Still, for most citizens, the operations of *auxilium*, however unglamorous, represented the most valued aspects of the office. Which perhaps explains the apparent lack of interest shown by the urban *plebs* when political figures attempted to reverse Sulla's restrictions. Agitation over restoring the tribunate begins in senatorial circles – not demonstrations in the Forum – and throughout the 70s politicians hoping to rehabilitate the tribunate had to work hard in rousing public sentiment over the matter.

This is not the place to rehearse the sequence of events in full. Controversy over the tribunate played a minor part in the politics surrounding Lepidus' revolt in 77. During the next year, a tribune who proposed to restore the tribunate and was fiercely opposed by the consul got next to no support from the urban *plebs*, at least according to Sallust's C. Licinius Macer.<sup>43</sup> Matters were different, however, in 75, when the cause of the tribunate found a champion in the consul C. Aurelius Cotta. This man – a pillar of the Sullan oligarchy – was animated, so Sallust insists, by ambition.<sup>44</sup> During the year of his consulship, he was confronted by a serious dearth of grain, scarcity which led to violent demonstrations on the part of the lower orders. This was not a new problem: it afflicted Rome as early as Lepidus' consulship.<sup>45</sup> In 75, the governors in Sicily sought to secure provisions for the capital, while at Rome an aedile sought to win popularity through dispensing grain at a heavy discount.<sup>46</sup> These measures, however welcome, proved unsatisfactory, but further amelioration was

41 No legislation: Livy *Per.* 89: *tribunorum plebis potestatem minuit et omne ius legum ferendarum ademit*. Cic. *Verr.* 2.1.155 suggests Sulla imposed some kind of qualification on the tribunician veto, but this is contradicted by Caes. *BCiv.* 1.5.1 and 1.7.3 and the passage can be explained otherwise: Lintott (1978) 127.

42 On the Sullan senate, see Steel (2014).

43 Sall. *Hist.* 3.48.8–10M; Ps.-Asc. 189St.; cf. McGushin (1994) 90–91.

44 Sall. *Hist.* 2.26M

45 Lepidus' *lex frumentaria*: Granius Licinianus p. 33.1434.6 Flemish; Sall. *Hist.* 1.48.12M. Grain crisis in the 70s: Cic. *Planc.* 64; Sall. *Hist.* 2.44M 2.45M 2.47; cf. Rickman (1980) 50–51; Viriout (1985) 110–111; Kallet-Marx (1995) 306; De Souza (1999) 125–148; Santangelo (2014) 11–12; Hollander (2019) 99–100. Improving or alleviating the material condition of urban *plebs* was often a focus of senatorial in-fighting (Knopf [2018] 79–199), but there is no clear trace of that in the 70s.

46 Sicily: *MRR* 2.98; Cicero, quaestor in this year, was involved in these operations. Hortensius: *MRR* 2.97.

rendered difficult by the treasury's shortage of funds.<sup>47</sup> In order to placate the populace, or so his critics claimed, Cotta took up the issue of reforming the tribunate.

Cotta carried a law which once again allowed ex-tribunes to stand for other offices.<sup>48</sup> This does not appear to be a bold move: there is no real reason to believe the measure was unpopular with the nobility,<sup>49</sup> nor was a majority in the senate opposed. Nor did the senate regret their consent: when given an opportunity to abrogate the law, the body refused.<sup>50</sup> And later this same senate voted Cotta a triumph.<sup>51</sup> Sallust accuses Cotta of acting from fear, and this may not be entirely wrong. He and the residue of the political class, apart from a handful of impotent reactionaries, doubtless hoped his law would placate an unhappy public.

It did not. Cotta's measure, as Cicero observed, brought no new benefits to the urban *plebs*: it merely rendered the office more useful to the aristocracy.<sup>52</sup> Nor did Cotta's law win over the masses. Quite the contrary: later in the year, when Q. Metellus, the future consul of 69, was canvassing for the praetorship, he was escorted by the consul Cotta in a pageant the purpose of which was to influence public opinion.<sup>53</sup> In this instance, however, Metellus and his entourage were set upon by a mob furious over food prices. They barely escaped. And Metellus had to wait another year, possibly two, before he made it into the praetorship.<sup>54</sup> The restoration of the tribunate, it seems clear, was not a winning issue with the urban *plebs*. In view of the Roman public's anxiousness over basic commodities, that can be no surprise.

This public mood was unchanged in 73, at least according to a speech which Sallust attributes to Licinius Macer: the tribune castigated the people for their insensitivity to the urgency of constitutional reform: they are too distracted, he complains, by legislation concerned with the affordability of food.<sup>55</sup> Now Macer's oration presents difficulties, and its literariness matters, not least because it is another specimen of Sallust's 'analogical history'. This speech, for example, is our only source for the idea that, before he was a candidate for the consulship, Pompey was associated with the campaign to restore the tribunate. But this Pompey exists in more than one time zone. In describing him, Sallust's tribune introduces formulations more suitable to the man's status in the 60s and 50s than the 70s. And in the same passage, complicating

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<sup>47</sup> *RRC* 637–638.

<sup>48</sup> *Sall. Hist.* 49M; 3.48.8M; *Asc.* 78C; *Ps.-Asc.* 255St.

<sup>49</sup> Gruen (1974) 27.

<sup>50</sup> *Asc.* 66–7C; *MRR* 2.96.

<sup>51</sup> *Cic. Pis.* 62; *Asc.* 14C. Cotta was aided by a tribune, Q. Opimius, who, unlike Cotta, ran afoul of the senate: *Cic. Verr.* 2.1.155; cf. Lintott (1978) 126–128.

<sup>52</sup> *Asc.* 78C.

<sup>53</sup> On canvassing rituals, see Tatum (2018) 32–37.

<sup>54</sup> Seager (1970).

<sup>55</sup> *Sall. Hist.* 3.48.19–22.

its emphasis on *libertas*, this Pompey takes on the appearance of Cicero's version of Octavian.<sup>56</sup>

Here tribunes and the tribunate and the theme of civil violence in defence of freedom are again put to work in folding into the conditions of the past into the realities and historical memory of Sallust's contemporary world. In view of artistry like this, a reader must be careful. But although Macer's speech is a literary fiction, there is no reason to doubt that his speech's emphasis on social division and fear, elaborated by a sharp opposition between slavery and freedom, does not reprise aspects of the political rhetoric surrounding the tribunate in the 70s. Nor need we doubt the validity of Macer's observation regarding the people's priorities, putting subsistence ahead of constitutional reform.<sup>57</sup> Indeed, there is nothing in our admittedly scrappy evidence for this decade which suggests that the restoration of the tribunate was anything like a truly popular issue driving political debate. It was not the crowds but members of the governing class who decried Sulla's reforms, and it was the political aristocracy who, in the end, persuaded the people to agree with them on the ideological importance of removing Sulla's restrictions on the tribunate.<sup>58</sup>

Macer's speech laments the people's slavery and decries the nobility's arrogance and authoritarianism. It was by means of rhetoric of this kind that, in the end, the *plebs* were finally persuaded that tribunician reform was very much in their interest. In 71, when the tribune M. Lollius Palicanus took up the issue, he enjoyed the support both of Pompey and Crassus, and in 70 the two consuls carried legislation which finally returned to the tribunate all its pre-Sullan powers. It passed without opposition.<sup>59</sup> There is, however, an interesting twist. Lollius invited Pompey, when consul-elect, to address the people, during which oration he promised legislation restoring the full powers of the pre-Sullan tribunate.<sup>60</sup> We are told by Cicero (who presumably was there) that when Pompey announced his intention to rehabilitate the tribunate, he was met by grateful but hardly unrestrained applause (*Verr.* 1.45). Now this is Cicero in his *First Verrine*, where his real topic is juries, and it is important to him that jury reform appear to matter more to the people than tribunician reform. But this tepid, underwhelming formulation of the popular reaction to Pompey's promises cannot be explained away simply by adducing Cicero's tactical purposes. The restoration of the tribunate, an action destined to transform the politics of the 60s and 50s and to

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<sup>56</sup> Gerrish (2019) 58–59.

<sup>57</sup> History amid the literariness of Sallust's speeches: Rosenblitt (2016); Steed (2017) 406–411; 426–433.

<sup>58</sup> Martin (1965) 10–11; cf. Meier (1965); Gruen (1974) 23–28. Yakobson (2022) furnishes a useful discussion of the normative interplay between elitist and popular elements in Roman politics.

<sup>59</sup> *MRR* 2.126.

<sup>60</sup> Ps.-Asc. 189 and 220 St.

empower both the urban *plebs* and the men who could claim its favour, was, in its origins, very much a top-down political movement.<sup>61</sup>

Let me be clear: I am not suggesting that, in the 70s, the *plebs* were indifferent to the tribunate. Quite the reverse: the office was always a precious one, hence its utility as a political symbol. But what Sulla left to the *plebs* was a tribunate capable of defending their rights and rescuing them from any unjust overreach by their overlords. After the polemics of the 70s, however, popular passion for the tribunate was unquestionably intensified. And it is clear how this passion extended beyond the capital, animating men in the countryside who were unlikely ever to benefit directly from tribunician intervention.<sup>62</sup> When he invaded Italy, if this speech is not a confection aimed at an audience in Rome, Caesar roused the temper of his soldiers by appealing to them to defend the tribunate.<sup>63</sup> It is perhaps worth observing that it is the veto, a privilege left untouched by Sulla, which lies at the core of his harangue.

If this take on tribunician agitation in the 70s is right, we find ourselves once again observing authoritarian practices. It is obvious how, in attempting to distract the urban *plebs* from their failure to provision the city by making the tribunate into an object of popular controversy, the governing class engaged in yet another variation of accountability sabotage. Nor should we entirely be surprised when we view Roman elites mobilising populist sentiments in this confined and sporadic fashion: that kind of populism from above, which Roman historians tend to define with the adjective *popularis*, is recognised by modern political scientists as an authoritarian technique.<sup>64</sup> At the very least, in the 70s, we cannot be far wrong in thinking of it as an authoritarian practice.

To conclude. The purpose of this paper, perhaps disappointingly, is not so much to arrive at definitive conclusions as to throw up new questions and suggestions which might reorient our investigation of authoritarianism in Rome. I have focused on *libertas* because in Rome this is frequently the issue on which authoritarian ambitions are predicated and around which accusations of authoritarianism are contested. In Italy, at more than one social level, *libertas*, I suggest, was in practical terms ignored in important ways which correspond to authoritarian practices observable in contemporary societies. As for Rome itself, there the *plebs*' horizon of expectations regarding *libertas* and the tribunate was disrupted by the political class as it sought to preserve or enhance its authority, by way of distraction or exploitation, again in epi-

<sup>61</sup> Courrier (2014) 472–474, puts forward good reasons for believing Cicero's account of this *contio*. The public's passion for the tribunate's restoration is viewed differently by (e.g.) Millar (1998) 49–72; Yakobson (2010) 296; Morstein-Marx (2013) 35. The propaganda of fear in senatorial discourse: Quillin (2004).

<sup>62</sup> Russell (2022) furnishes a survey (with further references and bibliography) of Roman attitudes toward the tribunate.

<sup>63</sup> Caesar's audiences in the *B Civ.*: Kreps (2018).

<sup>64</sup> March (2017).

sodes in which one can detect authoritarian practices. Still, and notwithstanding the rapid and continuing rise of Pompey the Great, it is difficult to describe the 70s as a decade exhibiting a conspicuous trajectory toward authoritarianism, however one defines it. At the same time, we can certainly detect a range of authoritarian practices. Did they matter? Did these practices, collectively if not individually, contribute to the deterioration of Rome's political environment in later decades?

The answer is not immediately clear. Even if we detect authoritarian practices in the political elite's exertions at energising public enthusiasm for rehabilitating the tribunate, that does not mean that subsequent tribunician activism was unhealthy for the republic. More than a few tribunician reforms were good things, and the involvement of the people in carrying them was in important respects salutary for Rome's democratic sensibilities. The opportunism of an Aulus Gabinius or a Publius Vatinius or the excesses of a Clodius Pulcher can hardly be blamed on the 70s – at least not directly. At the same time, the ongoing tensions between the citizens of Italy and the senate in Rome, so central to the politics of the civil war and triumviral period, seem connected in significant ways to the authoritarian practices of the senate in the 70s, especially its nobility, as it scrambled to remain ascendant. It is difficult to imagine a Caesar outside a Rome afflicted by urban perturbation, rural deprivation, or Italians anxious over their security and wary of the senatorial order.<sup>65</sup> This was a world in which, it could be asserted, *libertas* needed a Strong Man to defend it, and men like Caesar were keen to play the part. 'They wished it so', was Caesar's verdict after Pharsalus, shifting the blame for civil war onto the stalwarts of the governing class.<sup>66</sup> Even then, that was an oversimplification. Nevertheless, Rome's governing class certainly played its part, one practice at a time, in the rise of authoritarianism in Rome – and did so long before Caesar made his entrance.

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<sup>65</sup> On these matters Morstein-Marx (2021) is now fundamental. See also the chapter by Lanfranchi in this volume.

<sup>66</sup> Suet. *Iul.* 30.4: *hoc voluerunt* = Asinius Pollio, fr. 3 *FRHist.*

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# Competitive Authoritarianism on the Eve of Empire: Pompeius's New Republic of 52 BCE

**Abstract:** Pompeius's sole consulship in 52 BCE is overshadowed as a turning point by Caesar's crossing of the Rubicon just three years later. Yet it ended the violence and dysfunction of the fifties and returned Rome to stable government. It also entrenched Pompeius's dominant position within and over the *Res Publica*. During his year in office Pompeius purged Rome's violent actors through political trials, while he also rendered other senators much more vulnerable to prosecution and so in need of protection. He created a situation in which he could, if willing, remove anyone from the political community. After his consulship ended, his position as proconsul governing Hispania *in absentia* and his command of troops within Italy ensured he held military supremacy over Rome and had plans to counter any challenge to his position, on any plane. Competitive Authoritarianism gives historians a useful theoretical tool to understand the nature of this new regime as neither free state nor autocracy but a new third thing.

## Introduction

This chapter endeavours to give particular salience to the year 52 in Rome's turbulent transition from Republic to Empire, suggesting that it saw the emergence of a new regime which lasted until it was defeated by Caesar in the civil war beginning in January 49. Overshadowed by subsequent events, this ephemeral regime often does not receive the attention it deserves. Those scholars who do acknowledge the importance of what transpired in 52 usually do so in relation to (what they perceive as) Pompeius's broader domination of Roman politics.<sup>1</sup> For example, Egon Flaig argues that, after Clodius's death and the burning of the Curia Hostilia in January 52, the urban *plebs* rejected the Senate's authority and would only follow a monarch, explicitly referring to Caesar rather than to Pompeius.<sup>2</sup> In doing so he elides the three-year period that this chapter will focus on. Caesar may have become the monarch the Roman populace would tolerate, perhaps even crave, but before he seized power it was Pompeius who took the reins. But even when scholars do discuss Pompeius's po-

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<sup>1</sup> For instance, Syme (1939) only very briefly treats it in chapter 3 on the "Domination of Pompeius". Similarly, Leach (2014) characterised the period of 54 to 50 as "Pompey's Principate".

<sup>2</sup> Flaig (2009) 207–208. For an updated English account, see now Flaig (2022).

sition in these years, it is mostly to see him as an example or precursor to Augustus, following the path laid down so emphatically by Eduard Meyer.<sup>3</sup>

In making this argument, this chapter will also challenge two potentially unhelpful binaries. The first binary is the natural, but unfortunate, basic division of Roman history into Republic and Empire and the resultant tendency to fixate on when the one turned into the other. This remains even when scholars mark a transitional period. For instance, Ronald Syme in his seminal 1939 study identified 60 BCE to 14 CE as the “revolution”. These crisis periods can be drawn very broadly: with the benefit of writing at a distance of several centuries it was possible for Appian to draw a line all the way from Tiberius Gracchus.<sup>4</sup> And there is a tendency in many contemporary scholarly works to see the era of the Triumvirs *rei publicae constituendae* as a critical transitional period in its own right.<sup>5</sup> Yet against this basic division, Harriet Flower’s *Roman Republics* (2010) presents a case against seeing the Roman Republic as a single five-centuries-long monolithic entity, sometimes very generally divided into “early”, “middle” and “late” periods.<sup>6</sup> Rather, Flower posits that we can understand it better as a *series* of so-called “republics” (or regimes), on the model of modern French history. Irrespective of the particular divisions Flower adopts, she suggests an interesting way to approach the last decades of the traditional Republic: identifying smaller turning points, or breaks between regimes, which do not necessarily amount to ‘The Fall of the Roman Republic’ and ‘The Birth of Empire’ in their own right but which are still important historical markers. She argues that we should not look for a single dividing line between Republic and Empire.<sup>7</sup>

A second binary which this chapter seeks to address is that between a free state and an autocracy. Sulla’s regime was a dictatorship in both ancient and modern terms; Caesar’s *dictatura perpetua* (a plenipotentiary and lifelong autocracy) is *the* historical dictatorship *par excellence*, and so provided the model for modern dictatorship from Napoleon onwards.<sup>8</sup> The Triumvirate established in 43 was effectively a shared dictatorship, although it was progressively stripped of both Caesar *divi filius*’s colleagues. The regime which Augustus then established gradually (*paulatim*, in the words of Tac. *Ann.* 1.1–2) after Actium was of a debatable character, but clearly a

3 Meyer (1922) 656; Hurler (2006) 467–485; Vervaeke (2010) 133–166.

4 App. *BCiv.* 1.1.

5 For instance, see Pina Polo (2020).

6 Flower (2010) 220.

7 This builds somewhat on Morstein-Marx and Rosenstein (2006) 625–626, although we think they are wrong to take the subsequent step that we should not speak of the republic falling at all, but instead of a “transformation” of the *Res Publica*. Rather, Brunt is right in his (implicit) response to Gruen: the change that mattered in first century Rome, the real “Roman Revolution”, was the loss of liberty. That is both what mattered to the Romans themselves and to us as a world-historical event. Brunt (1988) especially 2–12; cf. Crawford (2008) 632.

8 Baehr and Richter (2004) xi, 308; see also McPhee’s contribution to this volume.

form of autocracy. Pompeius's 'New Republic' of 52 looks like none of those—yet, we argue, it was not a free Republic either, but a new third thing.

To our thinking, concepts created by modern political science greatly assist in identifying just what this new third thing was. Since the early 2000s, there has been increasing interest in “hybrid” regimes, which are neither outright autocracies nor fully-fledged democracies. The main relevant concept here is that of “competitive authoritarianism” as developed by Steven Levitsky and Lucan Way:

Competitive authoritarian regimes are civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents' abuse of the state places them at a significant advantage vis-à-vis their opponents. Such regimes are competitive in that opposition parties use democratic institutions to contest seriously for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents. Competition is thus real but unfair.<sup>9</sup>

This definition has notable similarities with Rome in the 50s BCE. There is the overwhelming legitimacy of democracy (and for our deliberate elision of the concepts of “democracy” and “republic”, see the Introduction), to which all power-holders, including aspiring autocrats, must pay heed. There is the presence and centrality of republican institutions. Such regimes may be unstable, as indeed they have often proved to be. And some political actor(s) possess disproportionate power within the system, to the extent that they can rig the democratic game, but not to the extent that they can abolish it completely.

A reason Competitive Authoritarianism might be argued unsuitable for Roman history is that the concept was initially applied to regimes which had moved away from autocracy and towards democracy, but where that transition had stalled. Part of Levitsky and Way's original argument was that we should not see such regimes as incomplete democratic transitions, but as a (semi-)stable hybrid regime type. Donald Trump's election in 2016, however, marked a turning point in the scholarship, as this development led to an explosion of political science interest in hybrid regimes and democratic decay. Competitive Authoritarianism is now also used to understand failing democracies (of various levels of consolidation), such as Hungary, Turkey, or Peru. This looks much more like Rome in the fifties BCE.<sup>10</sup> Thus, this chapter undertakes to demonstrate that a new regime was created in Rome in 52, with Pompeius's unprecedented sole consulship. We can usefully categorise that regime as Competitive Authoritarian since, while Pompeius dominated the Roman state, his position did not rise to the level of autocracy and was only partly institutionalised. Competitive Authoritarianism as a concept allows us to see this Pompeian regime as a halfway house between Republic and Empire, and so as its own thing.

<sup>9</sup> Levitsky and Way (2010) 5; see also discussion in the chapter by Dart, Rafferty and Vervaeke.

<sup>10</sup> Albeit with the caveats on state structure discussed in the Introduction.

To make that argument, the chapter first details what Pompeius did as consul in 52, especially with his judicial legislation and exemplary trials. The next section explores the nature of his power after laying down the consulship, while the section after that examines his position in this ephemeral New Order, as one political player among others. This is followed by a conclusion which traces some theoretical implications.

## Pompeius's Sole Consulship in 52 BCE

The ostensible catalyst for Pompeius' consulship in 52 was acute political paralysis brought on by obstruction and street violence since 54 which had rendered Rome's political institutions less and less able to function. This had included the conspiracy in mid-54 between the sitting consuls and two candidates to rig the elections for 53,<sup>11</sup> rumours that Pompeius might want to be made dictator during 54,<sup>12</sup> and flooding which inundated parts of the city and triggered a food crisis in October. When the new year arrived and no consuls had been elected for 53, there were public proposals that Pompeius be made dictator and recurrent street violence.<sup>13</sup> New consuls were eventually chosen in July but they proved unable to hold elections for their successors. This violence and dysfunction came to a head near Bovillae on 18 January 52 when a confrontation between the armed gangs of P. Clodius Pulcher and T. Annii Milo resulted in Clodius being injured and then murdered on Milo's orders. In the violence and destruction that followed partisans of Clodius burned down the Senate house.<sup>14</sup> All the while Pompeius had been *standing back and standing by*, to paraphrase a notorious quote of Donald Trump.<sup>15</sup>

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11 In the run-up to the consular elections for 53 two of the four candidates, Cn. Domitius Calvinus and C. Memmius, conspired with the sitting consuls of 54, L. Domitius Ahenobarbus and Ap. Claudius Pulcher. The clandestine deal involving forgery and bribery of the first century to vote was intended to secure Calvinus and Memmius' election, with the outgoing consuls receiving their desired provinces (Cic. *Att.* 4.15 and 4.17). When the conspiracy was exposed, rounds of debates and prosecutions delayed the elections, which were not held until July 53 (Plut. *Pomp.* 54.2; Cass. Dio 40.45).

12 Cic. *Fam.* 2.13.5 and 3.8; *Att.* 4.18.3.

13 App. *BCiv.* 2.3; Plut. *Pomp.* 54.2

14 There is a striking parallel here with the Reichstag fire of 27 February 1933 which provided Germany's newly minted Chancellor Adolf Hitler with the perfect pretext for being granted extraordinary powers under the Reichstag's 'Verordnung des Reichspräsidenten zum Schutz von Volk und Staat' on 28 February 1933 and the subsequent 'Gesetz zur Behebung der Not von Volk und Reich' enacted in March, which he would use to eliminate his political rivals and consolidate his autocracy. See further discussion by Morrell in her chapter in this volume.

15 Said by the sitting president during a presidential debate held on 29 September 2020. On Pompeius' ambitions and demeanour in this period, see Vervae (2010).

It was probably on the twenty-second day of the intercalary month in 52 that M. Calpurnius Bibulus (*cos.* 59 and no friend of Caesar's) moved in the Senate that Pompeius be elected sole consul. This measure was without parallel and was contrary to the very concept of the consulship, not least the Senate throwing its *auctoritas* behind a single candidate.<sup>16</sup> In doing so, Bibulus effectively thwarted any agitation on the part of Pompeius or others to have Pompeius secure a plenipotentiary dictatorship for the sake of restoring law and order in the increasingly volatile Republic.<sup>17</sup> According to Asconius, Pompeius was formally elected and entered into power on the 24th of the intercalary month in 52.<sup>18</sup> On the twenty-sixth Pompeius held what was probably his first Senate meeting as consul *sine collega*, at which he proposed two new laws, *de vi* (on violence) and *de ambitu* (on electoral manpractice). Morrell's chapter in this volume places such dramatic reforming legislation in a wider context and makes clear the potential for democratic decay inherent in such enabling laws. The Romans seem to have understood something of this: robust debates on these bills followed on that day and the next (*Cic. Mil.* 13–14; *Asc.* 36C, 44–45C; *Schol. Bob.* 117 Stangl). These meetings were the moment for Pompeius to set the tone for his consulship, and that tone was forceful: he made it clear that he would brook no opposition. All attempts to stop him getting what he wanted were defeated.

According to Asconius the only senatorial decree to emerge from these two days was that the events surrounding Clodius's death, including the burning of the Curia Hostilia and the attack on the interrex's house, were declared *contra rem publicam*. This would prevent Milo's advocates in court claiming that Clodius's murder was in the public interest.<sup>19</sup> It was also, in Morrell's assessment, "designed to facilitate an even-handed purge of violent elements".<sup>20</sup> The Senate also debated Pompeius's pro-

16 For instance: Mommsen, *Röm. Gesch.* (vol. 5, chapter 8, esp p. 146): "zum Diktator zum "Konsul ohne Kollegen" ernannt ward (25. des Schaltmonats 702 52) - ein Winkelzug, welcher eine mit zwiefachem inneren Widerspruch behaftete Benennung zuließ, um nur die einfach sachbezeichnende zu vermeiden" - Heitland (1915) 435: "the law and practice of the constitution were broken . . . in short, the strongest republicans were destroying the Republic in the effort to preserve it."

17 See Ramsey (2016) 298–324 for a generally convincing reconstruction of the details of Pompeius' appointment to the sole consulship, although he underplays Pompeius's role in negotiations. For Pompeius's plan A: a specially empowered dictatorship inspired by the models of Sulla or perhaps even Fabius Maximus 'Cunctator', see Vervaeke (2010). Bibulus's proposal of the sole consulship thwarted this plan although, as argued below, Pompeius still achieved most of what he desired.

18 On the date: *Ascon.* 36C.5: *V. Kal. Mart. mense intercalario consul creatus est*. That it was by election see, Ramsey (2016) 306–307. Ruebel (1979) 239 suggests that this date may have held symbolism because of its proximity to the *Regifugium*, a festival associated with the expulsion of the Tarquins and so the foundation of liberty and the consulship. According to Ovid *Fasti* 2.685–686 and the *Fasti Antiaties* the date of the *Regifugium* in the Julian calendar was 24 February. Both Varro *LL* 6.13 and Censorinus, *DN.* 20.6 say that the intercalary month was traditionally inserted between the *Terminalia* on 23 February and the *Regifugium* on 24 February.

19 So Stone (1980) 91.

20 Morrell (2018) 174.

posed violence law: this bill aroused opposition both at the time and later. Nonetheless, Pompeius eventually got his way here through procedural manoeuvring. A motion was put forward, probably that the events in question were *contra rem publicam* and that they should be prosecuted in the existing violence court *extra ordinem* (i.e. immediately, ahead of any backlog of violence cases which had doubtless built up over the preceding year and a half).<sup>21</sup> Here Pompey adeptly used his position as presiding officer: he allowed a call to divide the motions, allowing the *contra rem publicam* part to pass, but then had friendly tribunes veto the part about a trial under the existing law. When Caelius persisted in his attacks on the law, “Pompeius’ fury reached the point where he declared that, if compelled, he would defend the state by force of arms” (Asc. 36C: *eo processit irae Pompeius ut diceret, si coactus esset, armis se rem publicam defensurum*). That is, the new consul threatened violence against a tribune.

A few observations at this point are pertinent. First, in respect to the timing: the *vis* and *ambitus* laws were presented immediately but had clearly been worked out in advance. As Herbrig observes, Pompeius had concrete plans for his consulship which he intended to implement at once.<sup>22</sup> Second, he took advantage of a general senatorial fear of further violence and of Milo in particular—we should not accept Cicero’s implicit framing that all those opposed to Clodius were in favour of Milo. Rather, the majority of senators—that mass who would become Curio’s constituency in the crisis of late 50—may well have welcomed Clodius’s death without thereby approving of the murder of one senator by another.<sup>23</sup> And third, whatever the backroom negotiations which had led Bibulus to propose Pompeius as sole consul, it was Pompeius who now held both initiative and power, and who was willing to use them.

There had been significant reform to Rome’s criminal law over the previous fifteen years but, even so, the content of both Pompeian laws was innovative.<sup>24</sup> The law on *vis* was directed against violent actors; it was intended to solve a pressing problem and, as Asconius tells us (36C), it explicitly mentioned Clodius’s death and the succeeding violence. But the law was a substantial departure from other recent reforms. Conceptually, it was closer to the Mamilian or Varian commissions of earlier decades, or to the court created by the *lex Pedia* in 43 (App. *B Civ.* 3.393): tribunals set up to prosecute set groups of political criminals.<sup>25</sup> The Varian precedent is instructive, as that court was eventually used to convict Varius himself. Such tribunals were open to partisan reinterpretation. We are also not convinced by Ferrary’s suggestion that both Pompeius’s *vis* and *ambitus* laws had an inbuilt time limit, after which the courts

<sup>21</sup> Marshall (1985) 194 is to be preferred over Gruen (1995) 234–235; cf. Lewis (2006) 249–250.

<sup>22</sup> Herbrig (2021) 53–54.

<sup>23</sup> Morrell (2018) 172.

<sup>24</sup> Gruen (1995) 211–233, 239–250.

<sup>25</sup> See Welch (2014) 142–143 on the *lex Pedia*.

would not function.<sup>26</sup> While there is no certain trial under the *vis* law after early 51, the mechanism remained available as a weapon and one might expect prosecutors to choose to prosecute under the law which offered the best hope of conviction.<sup>27</sup>

The law on *ambitus* was directed against excessive competition for office and the lengths to which that had driven candidates in recent years. As with the *vis* law the procedure was streamlined. But the most important and controversial provisions were that the law was retroactive back to 70, probably retrospectively criminalising conduct which had not been criminal at the time, and that anyone convicted could save themselves by successfully prosecuting another. As Herbrig recognises, this latter clause made prosecution almost certain for anyone with a plausible case against them, since those convicted would obviously try to save themselves by laying charges against another.<sup>28</sup> Moreover, Pompeius chose the *album* of jurors personally. He also (very likely) chose the *quaesitor* who presided over the *vis* court, as is suggested by L. Domitius being elected *quaesitor* at the same assembly which passed both laws (Asc. 38C), with no indication that his election was competitive.<sup>29</sup> Pompeius's own election as proconsul under the *lex Gabinia* in 67 provides a precedent. It does not seem a stretch to say that both these laws were designed to achieve convictions.

While Pompeius ensured these laws were passed, there was opposition both at the time and later, opposition which did not arise only from a desire to preserve Milo. Hortensius argued in the Senate that no new *vis* court was needed (Asc. 44C); Cicero took up this claim both in the published *Pro Milone* (13–14; it may not have been in the delivered speech) and later in the *Second Philippic* (22). The tribune M. Caelius also attacked the proposal in the Senate (Asc. 36C). The arguments were, first, that the courts were aimed against Milo specifically (i.e. that they were designed to secure a conviction against a predetermined individual, which seems obviously true) and, second, that the form of trial was rushed. The court in which Milo was convicted was openly political. The *ambitus* law was criticised both by Cato and Caesar's supporters (Plut. *Cato min.* 48.3; App. *B Civ.* 2.88), yet still Pompeius ensured both laws were passed without modification.

Milo's trial under the law *de vi* lasted from 4 to 7 (or 8) April. The details are both well-known and colourful: that Pompeius stationed soldiers under arms around the Forum with himself and an armed guard in front of the Temple of Saturn; that the Forum was, uniquely, nearly silent; and that Cicero was so intimidated by all this that he spoke poorly in Milo's defence (Asc. 41–42C). It all amounts to a highly memorable

<sup>26</sup> Ferrary (2007).

<sup>27</sup> See Alexander (1990) xviii, 232 for details on trials. See also Cic. *Fam.* 7.2.3, where the orator refers to the jury at Munatius Plancus's trial in early 51 having been chosen by Pompeius. Nothing stopped this panel being called upon indefinitely.

<sup>28</sup> Herbrig (2021) 57–60.

<sup>29</sup> Ramsey (2016) 322 puts Domitius's election two days later, but Asconius's (38C) only indication of time is *statim*. Ruebel (1979) 243 puts the election on the same day as the laws are passed.

occasion. We should interpret this trial through Morrell's lens of the exemplary prosecution of C. Verres in 70, which was "a 'trial' of Roman provincial governance more generally, designed to promote better standards in the future."<sup>30</sup> Morrell argues that such show trials were a method of pursuing reform, that they were intended to demonstrate to senators and Roman citizens generally which behaviour would no longer be tolerated. If Verres' trial was exemplary, then Milo's surely was, and it seems clear that Romans were intended to learn much from it. First, and most obviously, that violence and disorder were now unacceptable: Milo, the purveyor of violence, was expelled from the citizen body, while the court was under military protection. But equally, the trial showed who got to display this intolerance: Pompeius alone. He had framed the law, he had chosen the jury (which, like Verres' was noted for its splendour: Cic. *Verr.* 1.49; Asc. 38C), he had supervised the whole affair.

Milo was not the only man tried in this spree. Asconius records that there were many trials, some for *vis*, some for *ambitus* (56C). Early in 51 (Shackleton Bailey dates the letter to February), Cicero writes of the courts being exceptionally busy (*Fam.* 7.2.4; SB 52); elsewhere he refers to "the year of *iudicia*" (*Brut.* 243). Alexander lists twenty-four trials from the start of 52 to September 51, most of them under one or other of these Pompeian laws; Sallust (*ad Caes. sen.* 4.2) refers to forty senators metaphorically "butchered like so many sacrificial victims".<sup>31</sup> All of the failed consular candidates for 53 and 52 were convicted, and Pompeius's soldiers even killed some citizens at Scaurus's trial (App. *BCiv.* 2.24). We have a word for such a process in English: we call it a purge.

The 'correctional' *exemplum* of Milo's trial was thus extended and reinforced over these months, and the effect on Roman politics was chilling (as Cicero alludes to: *Fam.* 5.18.1). Suetonius reports Caesar's fear of prosecution, supposedly expressed on the battlefield of Pharsalia (*Iul.* 30.3–4). But surely almost every senator now had that fear. The *ambitus* law made anyone who had ever contested an election (that is, every senator) vulnerable to prosecution. The chances of being prosecuted were now higher, as were the chances of conviction and the penalties. This vulnerability meant that most senators henceforth *needed* protection and that political independence was now a luxury few could afford. Furthermore, the best source of protection was Pompeius himself (although not the only one, as Curio was to show). While the conviction of T. Munatius Plancus near the beginning of 51 showed Pompeius could not save ev-

<sup>30</sup> Morrell (2017) 44. See also Alexander (1993) 242 on Cicero's discussion at *Off.* 2.49–51 of justifiable prosecutions *rei publicae causa*, specifically the trials of C. and Cn. Carbo and Norbanus: "The inference can be drawn that these trials do not represent the normal cut-and-parry of politics, but the attempt to rid the state of individuals who endanger its survival."

<sup>31</sup> Alexander (1990) xviii, 232: nos. 306–333. On Sallust's letter (which he argues is authentic) see Pina Polo (2021) 189–194, although he also suggests that forty is for Sallust a convenient round number meaning simply "a lot". See also Gruen (1995) 337–350 for an extended and excellent analysis of these criminal trials, even if we do not always agree with Gruen's interpretation.

everyone he wanted to, he could easily get rid of small fry simply by withdrawing his protection and abandoning them to the lurking sharks at minimal political cost to himself.<sup>32</sup> But this also meant that *anyone* of note in Rome could be prosecuted and exiled in a show trial, if Pompeius was willing to spend the required political capital. In turn, this challenges Morstein-Marx's argument that Caesar's alleged fear of prosecution was a non-issue in the lead-up to civil war.<sup>33</sup> When coupled with Metellus Scipio's law restoring the censors' discretionary power over senators (cf. *infra*), there accumulated a comprehensive ability to select the political class.<sup>34</sup> Importantly, Pompeius did not directly make these choices (thus avoiding much of the *invidia*), but he did so indirectly by choosing the jury panel and the *quaesitors*. As such, he followed Sulla's example, but without mass murder; those senators who lost out did indeed lose their rights as Roman citizens, but neither their property nor their lives.<sup>35</sup> It was clear that serious and open political opposition to Pompeius would now carry a frightful personal risk.

A few more laws are known from 52, although passed later in the year (we pass over here the law of the ten tribunes which gave Caesar his right to stand for election *in absentia*; this was probably passed soon after Pompeius became consul).<sup>36</sup> First and foremost is Pompeius's comprehensive law *de iure magistratuum*. One of the key provisions of this consequential statute determined that candidates for office could no longer present themselves *in absentia*. The probable purpose was to clarify the problems caused by Pompeius and Crassus's own disputed candidacy for the consulship of 55, and the consul Lentulus Marcellinus's own high-handed attempts to exclude them.<sup>37</sup> Pompeius's eventual colleague in the consulship, Metellus Scipio, also passed a law restoring discretionary powers to the censors (Cass. Dio 40.57), while some unknown person passed a law extending Pompeius's Iberian command for a further five years (that is, after the end of his existing command, and so down to the mid-40s).

Furthermore, the *lex Pompeia de iure magistratuum* probably also contained detailed provisions on provincial administration. What we know of these clauses (of what is typically considered a distinct *lex Pompeia de provinciis*) has been extensively discussed in scholarship in recent years and its effects towards good government are

32 On Munatius see Alexander (1990) xviii, 232 no. 327; Gruen (1995) 346–347.

33 Morstein-Marx (2007) 159–178, Morstein-Marx (2021) 261–263, 622–624. Compare Badian (1969) 451–452, who argues forcefully that the political history of the first century shows how “the reasonableness of a charge might bear little relation to the prospect of conviction.”

34 Herbrig (2021) 53–66. Cicero reassured T. Fadius (*Fam.* 5.18.2) that he had been convicted to please Pompeius.

35 So Herbrig (2021) 60–61.

36 Law of the ten tribunes: see Ramsey (2016) 311.

37 See also the exhaustive discussion in Gagliardi (2011) 232 which is, however, largely concerned with the law's effect on Caesar's *ratio absentis*.

by now well known.<sup>38</sup> But its political effects were also significant. We can see it as a move in the Senate's long struggle to emancipate itself from popular control: the assembly electing the annual magistracies with *imperium* (i.e. the consuls and the praetors) no longer directly chose future governors, only the pool of ex-magistrates from which future provincial governors would be selected. Therefore, any undesirable magistrate who won election could be kept away from a province and an army altogether, something we see with Philippus and Cotta who, in Caesar's words (*BCiv.* 1.6), were passed over *privato consilio* in the provincial allocations of January 49. The law thus diminished the immediate value proposition of the consulship (and, for that matter, the praetorship) as an office: no future consul could use it as an immediate springboard to a powerful and lucrative military command which might rival the position of Pompeius. The great man had learned *that* lesson with Caesar. Also, "[b]y divorcing the consulship as a political office from provincial command, the *lex Pompeia* raised the prospect of freeing the consuls from their structural dependence on the tribunes, and so re-orienting them back towards the Senate."<sup>39</sup> This removed a structural conflict which had consumed an inordinate amount of political oxygen over the past decade, and so promised smoother politics and better provincial government: even if provincial decrees could still be vetoed, those decrees were now passed *en bloc* and affected non-magistrates, who did not possess the bargaining power to shape politics. Finally, if it was convenient to remove a former magistrate from Rome without prosecution and exile, but with honour, they could be sent to govern a province. For instance, Cicero was particularly annoying to Pompeius in early 51, prosecuting Munatius Plancus and (probably) publishing the written version of the *Pro Milone*; a couple of months later he was "quite unexpectedly" (*Cic. Fam.* 3.2.1) on his way to govern Cilicia.<sup>40</sup> Bibulus was also removed from Rome by being sent to Syria, about which he seems to have been similarly displeased (he was certainly dilatory in arriving: *Cic. Att.* 5.16.4).

Overall, Pompeius had fulfilled the task for which he had been chosen sole consul: to restore the *Res Publica* by rectifying behaviour (*moribus corrigendis*: *Tac. Ann.* 3.28.1). Violent elements had been removed; structural reform had been undertaken. His success in this regard can be appreciated by what did *not* happen in 51 and 50. We hear of very little violence (the only incident is connected with Antony's election to the augurate in 50 and led to some convictions *de vi*: *Cic. Phil.* 2.4).<sup>41</sup> Indeed, we hear

<sup>38</sup> Steel (2012) 83–93; Morrell (2017) 214–246; Rafferty (2019) 133–151; Bothorel (2023) 228–250. The clauses *de provinciis* (concerning the provinces) most likely being part of the Pompeian Law 'on the rights of the magistracies' (*de iure magistratuum*), see the combined evidence of *Suet. Div. Iul.* 28.2; *Caes. BCiv.* 1.85.9 and *Dio* 40.56.

<sup>39</sup> Rafferty (2019) 150.

<sup>40</sup> See Stone (1980) 88–111 for the argument that the version of the *Pro Milone* that we possess appeared in early 51.

<sup>41</sup> Morrell (2018) 65.

of little public politics at all (other than Curio in 50), with almost everything that mattered taking place in the Senate.<sup>42</sup> Elections were held largely on time and without incident (although not entirely: Cic. *Fam.* 8.4.3). There was, then, no similarity with how politics had been practiced since 59: Pompeius's third consulship really does mark the end of one era and the beginning of a new one. A substantial part of the population was surely grateful for the return to order.

This is not to deny that 52 was indeed a year of substantial and beneficial structural reform, but Pompeius, the *defensor Rei Publicae* (Cic. *Att.* 8.3.3), was the author of that reform, and he did it his way, to his own benefit. To put our argument in other words: the primary goal of the reforms was to set the *Res Publica* right again, but the secondary goal was to entrench Pompeius's own position and influence over it. The reforms of 52 both created a New Republic (to echo Harriet Flower's thinking about Sulla's dictatorship) and established Pompeius as its—what, exactly? That is the question for the rest of this chapter. Pompeius would no longer be consul in 51, so how did he retain his *dominatio*?

## Pompeius's Position After 52 BCE

The magisterial year was the fundamental unit of Roman politics.<sup>43</sup> Magistrates held office for a single year only, an important structural difference from modern polities. Because of this, those unhappy with what was done in any given year could always look forward to the next, hoping that any political horror could be endured because the ensuing year would see a different set of magistrates and affairs might take a turn for the better. As such, the situation in 52, when Pompeius was consul and held political initiative and power and a mandate for change, needs to be contrasted with 51 on, when he was without urban magistracy and 'merely' held the office of proconsul, albeit one invested with certain extraordinary prerogatives (most importantly the right to command the powerful Hispanian provinces *in absentia*, i.e. through legates and whilst remaining in Italy).<sup>44</sup> This important distinction, which emerges from the structure of the Roman political system, is precisely why we cannot call Pompeius an outright ruler or monarch; it is also the main reason why this post-52 regime still looks to scholars much more like a republic than the various forms of undisguised autocracy which appeared after 49. As much as scholars have seen Pompeius in this period as a model or precursor to Augustus,<sup>45</sup> a key difference is that the latter continually held

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<sup>42</sup> Millar (1998) 146–150.

<sup>43</sup> As is rightly pointed out by Steel (2015) 141–155.

<sup>44</sup> See Frolov and Burden-Strevens (2022) on political initiative, especially the introduction by Frolov.

<sup>45</sup> On Augustus in the 20s, see Ferrary (2001) 101–154; on similarities between Pompeius and Augustus, see Hurlet (2006) 467–485; Vervaeke (2010) 133–166.

the consulship from January 27 until his abdication in June 23 and sometime in 19 acquired lifelong and superior consular powers in his capacity of proconsul.<sup>46</sup>

Nonetheless, Augustus provides us with instructive language for understanding the nature of this ‘Republic of 52’. Near the end of the *Res Gestae*, Augustus describes his post-Actium ‘restoration’ of the Republic, in famous words:

*rem publicam ex mea potestate in senatus populi Romani arbitrium transtuli.*

I transferred the *Res Publica* from my own power to the control of the Senate and People of Rome. (34.1)

The key word here is *arbitrium*: control, decision-making power, a word with strong legal overtones—and the object of Augustus’s *arbitrium* is the *Res Publica*. That *arbitrium* is what a modern government has, what political science scholarship assumes is the object of contention, but which no single individual or body had in Rome before the age of civil wars (note how Augustus returns control to Senate and People).<sup>47</sup> Nonetheless, even if Pompeius after 52 did not exercise day-to-day control of the *Res Publica*, the fear at the time was not of *arbitrium* but of *dominatio* (i.e. at minimum having a controlling influence in the traditional bodies of state), and even *regnum* (outright monarchic rule): that is the language in Cicero, Sallust, and Varro.<sup>48</sup> As this analysis of the ‘Republic of 52’ seeks to establish, the term *dominatio* perhaps best expresses the true nature of the Pompeian regime: though not legally invested with the powers to control the Republic’s machinery of the state, Pompeius nonetheless succeeded in entrenching his long-held position as Rome’s most powerful/influential citizen.<sup>49</sup>

But that needs to be demonstrated. We can begin with Pompeius’s institutional position. He was proconsul with *imperium*, holding the extensively militarised *provinciae* of Hispania Citerior and Ulterior *in absentia* by virtue of extraordinary legal privilege. The law passed in 52 (by some unknown tribune of the *Plebs*) extending his command here was very likely cumulative, meaning it would take effect *after* the five-year period bestowed by the *lex Trebonia* had run out. Therefore, Pompeius’s command in Hispania was legally safe down to the early spring of 45 BCE. This put him at

<sup>46</sup> See Vervaeke (2014) 253–288. Therefore, the interval between Augustus’ abdication of his 11<sup>th</sup> consulship and his being invested with special consular powers in 19 perhaps offers the closest parallel between his position and that of Pompeius in 51–48.

<sup>47</sup> Compare this to Cicero’s description of unmixed constitutions at *Rep.* 1.42, which are marked by one element in the state possessing this *arbitrium*.

<sup>48</sup> Cic. *Att.* 8.11.2; comp. *Att.* 9.7.3; Sall. *Cat.* 6.7, 47.2, *Iug.* 31.16; Varro *VPR* 122 (= Non. 465M). See also Arena (2012) 245–248; Morstein-Marx (2021) 318–319. On Sallust’s language especially see Rosenblitt (2016).

<sup>49</sup> In 91 BCE, for example, the opponents of M. Livius Drusus’ mass enfranchisement bills feared that if these proposals were to become law, Drusus would be able to achieve *dominatio* in the Republic merely through his extensive new political clientele: Vervaeke (2023) 75–86.

considerable advantage vis-à-vis Caesar, whose command in the Gauls and Illyricum was to expire long before (probably on 1 March 49).<sup>50</sup> This also meant that, along with Caesar (for the moment), he was the only man in the Roman world whose *imperium* and *provincia* would last longer than a year and was not held at the Senate's pleasure. And if the entire history of the first century tells us anything, it is that *imperium* mattered.

As he had done since sometime early in his second consulship in 55, Pompeius held the Iberian provinces through *legati pro praetore*, who commanded an army of at least six legions.<sup>51</sup> We should not underestimate the importance of the Iberian provinces; Crawford rightly describes the Pompeian Hispania which Caesar encountered in 49 as “a state ready for war”.<sup>52</sup> Sallust is well known for his backward echoes, particularly where Pompeius is concerned, and so it seems justifiable to find resonances from the post-52 period (indeed, post-55) in his letter from Pompeius to the Senate during the Sertorian War (*Hist.* 2.86.7, 10R), and especially in the claim that an army (whether his or Sertorius's) would bring the war to Italy if he was not properly supplied. Crawford's characterisation of Pompeian Hispania (and Caesarian Gaul) as alternative states “waiting in the wings” depends on this combination of large armies, of the finance to sustain them, and of productive capacity to arm them. For Pompeius, of course, this capacity was not limited to his formal provinces. His near-ownership of the eastern Mediterranean is dramatically attested by the interest payments owed to him by the king of Cappadocia (*Cic. Att.* 6.1.3), while his years as *curator annonae* had given him enormous influence in the shipping and grain trades.<sup>53</sup> But he also received 1000 talents per year from the Treasury to fund his Iberian command (*Plut. Pomp.* 55.7). In July 51 Caelius reports a debate in the Senate over pay for Pompeius's troops, which at first glance suggests the grant remained under senatorial authority (*Cic. Fam.* 8.4.4). But since Caelius then reports discussion on the legion which Pompeius had lent to Caesar, it seems more likely that this debate was about establishing

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50 Vervaet (2010) 161 (comp. 144). Suggestive of a precise date early in 49: *Cic. Att.* 7.9.4 (27 December 50); Dio 41.3.4; *Plut. Caes.* 30.4. Morstein-Marx (2021) 266–267 is amongst those who believe the issue of the precise duration of Caesar's second *quinquennium* in the Gauls and Illyricum is intractable and asserts that “the decision to replace Caesar would ultimately be a political one, not a juridical one”. Since both Hirtius (*BGall.* 8.55) and Cicero (*Fam.* 4.4.3 and 4.14.2) talk about the issue as a *disceptatio iuris publici*, a dispute concerning issues of public law (i.e., matters of legality and legitimacy), it very much was both.

51 Brunt (1971) 472. By the summer of 49, Pompeius through his personally appointed legates commanded an enormous army comprising no less than seven full legions (c. 35,000 men) and a formidable auxiliary force of eighty cohorts (= c. 40,000 men) and five thousand horse in Hispania: *Caes. BCiv.* 1.38–39.

52 Crawford (2008) 636. Crawford believes this provincial powerbase was underpinned by large-scale Italian migration, but this is not tenable: see Pina Polo (2023). See also George's chapter in this volume on the importance of provincial bases in a civil war context.

53 Vervaet (2020) 149–172.

whether that legion's pay should still be covered under Pompeius's grant or under separate arrangements for paying Caesar's army.<sup>54</sup>

Pompeius also commanded troops within Italy, although it is uncertain how many. There were the two legions the Senate had requested of both Pompeius and Caesar – really both supplied by the latter – and held in reserve to fight the Parthians, but which were stationed in Campania and would fight (well) for Pompeius in the civil war ([Caes.] *BGall* 8.54, *BCiv* 1.3; Cass. Dio 40.65). When precisely were these made available to the Senate? Hirtius (the author of *Bellum Gallicum* book 8) provides the only useful evidence, and he places it after the debate over the provinces in September 51. The panic over a Parthian war, which Caelius reports in November, provides the likely setting, especially in view of what Caelius says about the inadequacy of Cicero's forces (Cic. *Fam.* 8.10). Moving these soldiers to Campania would have taken months and, for many scholars, they were the only troops in Italy until Pompeius began his mass recruitment drive in earnest in January 49.<sup>55</sup> Yet by late January Pompeius had more than fifty-four cohorts in various parts of Italy, not counting these 'Parthian' legions.<sup>56</sup> These *may* have all been raised quickly. Certainly, Pompeius had boasted that he only needed to stamp his foot for armies to appear (Plut. *Pomp.* 57.5).<sup>57</sup> We cannot know for certain.

However, Cicero's reference to Pompeius visiting his army (*exercitus*) at Ariminum in late July 51 suggests extensive additional recruiting in Italy well before the mass levies decreed by the Senate in January 49.<sup>58</sup> What was this army? It might be reinforcements (*supplementa*) for the Iberian army, but it would be strange to describe that as an *exercitus*, an army in its own right rather than a body of reinforcements. Nor can it be the two legions encamped in Campania and earmarked for possible deployment against the Parthians in Syria: they had not yet been requested. There are, moreover, oblique references in the later sources to other troops: Plutarch has the rabidly anti-Caesarian consul C. Claudius Marcellus refer to forces already prepared in December 50 (*Pomp.* 59.1; although at 60.3–4 Pompeius only has the two 'Parthian' legions and the new recruits; compare the very similar wording at App. *B Civ.* 2.31). Elsewhere Plutarch has Marcellus, who held the *fascēs* and hence the right of initiative in December, transfer to Pompeius command of the soldiers already re-

<sup>54</sup> Rafferty (2019) 93.

<sup>55</sup> Brunt (1971) 473

<sup>56</sup> Ridley (2004) 149–150.

<sup>57</sup> See Welch (2012) 53 on the urgent recruiting in these weeks, although again here the urgency appears as an explanation for the large number of soldiers eventually under arms. But there are other indications.

<sup>58</sup> The journey was a very brief one: Pompeius left Rome on 22 or 23 July and had returned by 3 or 4 August (Cic. *Fam.* 8.4.4, *Att.* 5.19.1). In January 49, the Senate ordered the consuls and the proconsul Pompeius (exceptionally granted *par imperium* with the consuls) to levy 130,000 soldiers in Italy alone, the equivalent of c. 260 cohorts of 500 men or some 26 full legions: App. *BCiv* 2.34; Cic. *Fam.* 16.12.3; Vervaeet (2006).

cruited (*Ant.* 5.2). This last act, together with the text of Dio (40.66.1), suggests that the Parthian legions had been temporarily entrusted to the care of the consuls of 50, even if we cannot be certain whether they had sworn the military oath (*sacramentum*) to them pending their reassignment to the command of proconsul Calpurnius Bibulus in Syria or remained nominally sworn to Caesar and Pompeius.<sup>59</sup> Therefore, any ‘Pompeian’ forces within Italy (i.e. any troops already sworn to Pompeius) before December 50 were not the Parthian legions.

Overall, it seems clear that Pompeius did command troops in Italy in 51 and 50, but their numbers were probably not very large. At all events, the terms of the Trebonian Law authorised him to recruit troops in Cisalpine Gaul and Italy for service in Hispania, and some of these troops could certainly remain ‘temporarily’ within Italy.<sup>60</sup> His soldiers in Hispania could also go home on leave (*commeatus*); it was such soldiers from Caesar’s army who provided the muscle in the elections for 55 (Cass. Dio 39.31.2; Plut. *Crass.* 14.6, *Pomp.* 51.4).<sup>61</sup> Moreover, Pompeius had hurriedly raised large numbers of troops under the *SCU* of February 52 and his ‘stamp-my-foot’ boast showed confidence he could do so again.<sup>62</sup> What matters is not the truth of this confidence but that it was shared by contemporaries and so was a ‘fact’ in politics. With the backing of the Senate, he may well have retained, in camp or on leave, some of the levies made in early 52, on the pretext of maintaining law and order in Rome and Italy.<sup>63</sup> It seems therefore likely that, at the very least, contemporaries believed that Pompeius could easily bring soldiers to Rome; not enough to win a war against Caesar’s army, perhaps, but certainly enough to buy time and deal with the City itself or any unrest in the peninsula.

There was also Pompeius’s naval power. As Welch perceptively notes, “Naval strategies lend themselves to long-term planning and are ill-suited to spur-of-the-moment decisions.”<sup>64</sup> This truism directs us to look for earlier signs of the naval efforts in 49, efforts which were vast: “this fleet from Alexandria, Colchis, Tyre, Sidon, Aradus, Cyprus, Pamphylia, Lycia, Rhodes, Chios, Byzantium, Lesbos, Smyrna, Miletus, Cos” (Cic. *Att.* 9.9.2). We find them in the renewed military treaty with Rhodes in 51 (Cic. *Fam.* 12.15.2) and in von Fritz and Welch’s arguments that Pompeius had been planning this strategy for two years and had discussed it with Cicero at Tarentum

59 In *BGall.* 8.54, Hirtius attests that following the Senate’s decree for Caesar and Pompeius to supply one legion each for the Parthian War, the former had sent one of Pompeius’ legions (as per Pompeius’ request) and one of his own to Italy in 50.

60 For Pompeius’ levies in Cisalpine Gaul see Caes. *BGall.* 6.1 (soldiers sworn in by him there as consul in 55 and called into service by him as proconsul in 53) and 8.54.

61 On later-republican soldiers’ right to, and enjoyment of, *commeatus* see *Rhet. Her.* 1.24; [Caes.] *BAfr.* 77.3; Cadiou (2018) 208–209.

62 Plut. *Pomp.* 57.5; Asc. 30, 33C (who refers to an *exercitus*); see also App. *B Civ.* 2.34 in n. 49 *supra*.

63 *Contra* Vervaet (2006) 930 n. 7, who argues against this.

64 Welch (2012) 48.

in June 51.<sup>65</sup> We naturally think of this strategy as directed against Caesar, and it was: in June 51 Caesar was Pompeius's principal military threat. But he was not the only one. A situation of renewed and worsened anarchy could be imagined, in which events in Rome got out of hand and Italy had been successfully raised against Pompeius. Not only could the emperor stamp his foot and raise legions, but he could quickly amass fleets and starve the peninsula into submission, and then return, like Sulla, as conqueror and despot. In this respect, it is well worth quoting Cicero's brutally honest assessment of the situation in *Att.* 8.11.2 (27 February 49 BCE) in full:

*dominatio quaesita ab utroque est, non id actum, beata et honesta civitas ut esset, nec vero ille urbem reliquit quod eam tueri non posset nec Italiam quod ea pelleretur, sed hoc a primo cogitavit, omnis terras, omnia maria movere, reges barbaros incitare, gentis feras in Italiam armatas adducere, exercitus conficere maximos, genus illud Sullani regni iam pridem appetitur, multis qui una sunt cupientibus, an censes nihil inter eos convenire, nullam pactionem fieri potuisse? hodie potest, sed neutri σκορτός est ille, ut nos beati simus; uterque regnare vult.*

Both of the pair [Pompeius and Caesar] have aimed at personal domination, not the happiness and fair fame of the community. Pompeius did not abandon Rome because he could not have defended her, nor Italy because he was driven from her shores. His plan from the first has been to ransack every land and sea, to stir up foreign kings, to bring savage nations in arms to Italy, to raise enormous armies. He has been hankering for a long while after despotism (*regnum*) on the Sullan model, and many of his companions are eager for it. Or would you maintain that no agreement or settlement between them was possible? It is possible today. But neither sees our happiness as his mark. Both want to reign.<sup>66</sup>

The upshot of this is that, in 51 and 50, Pompeius held military supremacy over Rome and Italy and had prepared a plan to win any prospective civil war.

## Trust and the Pompeian Coalition

In 61, as he returned triumphant from his famous victories over Mediterranean piracy and the once mighty kingdoms of Pontus and Armenia, and at the helm of large armies and fleets, Pompeius had the *Res Publica* at his mercy. Yet he held back, disbanding his forces upon landing in Italy, in keeping with established practice and in stark

<sup>65</sup> von Fritz (1942) 145–180; Welch (2012) 49–53, both based on *Cic. Fam.* 2.8.2 and *Att.* 9.10.6.

<sup>66</sup> Echoed in *Flor.* 1.47.13. For another reference to the – in Cicero's view utterly abhorrent – plan to starve Rome and Italy into surrender: *Att.* 9.7.3–3 (March 49). In 49, Cicero also feared that a victory for Pompeius and his allies, like Sulla's heavily indebted son Faustus Cornelius Sulla (*qu.* 54), would result in new proscriptions on the Sullan model: *Att.* 9.11.3–4; comp. 9.7.3, 9.10.2 ('*Sulla potuit, ego non potero?*' – 'Sulla could do it, why couldn't I?'), 9.10.6 and 10.7.1 (dated from March to April 49). Compare also Tacitus' ever perceptive and crushing verdict in *Hist.* 2.38.1: after Marius and Sulla established tyranny through violence 'came Gnaeus Pompeius, no better man, but one who concealed his purpose more cleverly' (*occultior, non melior*).

contradistinction to his actions in 81, 77 and 71.<sup>67</sup> Pompeius's notable show of restraint at the height of power created a base level of trust in him among the political class: clearly there were limits beyond which even the great Pompeius would not go.<sup>68</sup> These limits, and this trust, did not exist for Caesar. Fearful resentment of Caesar was just one powerful reason for many of his aristocratic peers to support his rival Pompeius in the late 50s BCE.<sup>69</sup> Others probably had other reasons. For the Roman and Italian elites and all those who craved order and stability over anything else, Pompeius's achievement in 52 was probably more important.<sup>70</sup> This achievement was substantial. The politics of the street (and the accompanying violence) which had been such a feature of the fifties was ended; the place of decision-making had been moved from the Forum back to the Curia. This was nothing less than the return of civil peace to Rome and, for many who had lived through the past decade, Pompeius deserved well of the *Res Publica*. Alongside gratitude for the return of order dwelt fear that it was fragile, which is seen particularly in Pompeius's (occasionally explicit, if probably insincere) threats to go to Hispania.<sup>71</sup> Cicero makes it clear that he was afraid that Pompeius's absence would mean a return to political instability. While Cato might pompously pronounce that Pompeius should not protect the laws, but rather the laws

67 On Pompeius' armed insubordinations of 81, 77 and 71/70, see Vervaeke (2014); on his 'unessayed coup' of 62, see Ridley (2006). Fearing the establishment of a military dictatorship, Crassus secretly withdrew from Rome with his children and his money on the eve of Pompeius' landing in Italy in December 62: Plut. *Pomp.* 43.1.

68 A point memorably made by Montesquieu (1748) 120: "Deux fois Pompée retournant à Rome, maître d'opprimer la République, eut la modération de congédier les Armées avant que d'y entrer, and d'y paroître en simple Citoyen; ces actions, qui le comblèrent de gloire, sirent que dans la suite, quelque chose qu'il eut fait au préjudice des loix, le Sénat se déclara toujours pour lui."

69 For conservative aversion to Caesar's unconventional style of dress, see e.g. Suet. *Iul.* 45.3 (comp. 22.2).

70 Compare Herbrig (2021) 144: "die ordnungsliebenden Kräfte". The example of events in late 50 BCE demonstrate that many people across the socio-political spectrum did not want to see a resumption of violence. Plut. *Pomp.* 58.3 states that the proposal in early December of the tribune of the *Plebs* C. Scribonius Curio, that Caesar and Pompeius either both lay down their armies or both retain them, was popular with the urban *plebs* as it would ostensibly avert an armed conflict between Pompeius and Caesar. Despite the opposition of the consul C. Claudius Marcellus, when the majority of the Senate ultimately sided with Curio's proposal that both should lay down their commands by a margin of 370 to 22 to "avoid civil discord" (App. *BCiv.* 2.30), the people received Curio ecstatically, showering him with garlands of flowers (Plut. *Pomp.* 58.5). In response, the consul Claudius Marcellus angrily dismissed the Senate prompting the City to go into mourning in anticipation of the coming calamity (Plut. *Pomp.* 58.6–59.1; App. *B Civ.* 2.30). In late December 50, with political tensions steadily escalating, Cicero (*Att.* 7.7) observed that tax-farmers (= the elite equestrian *publicani*), moneylenders (typically *equites* or citizens belonging to the first property class), and rural Romans alike were willing to accept autocracy as long "as they were left in peace and quiet": *an publicanos qui numquam firmi sed nunc Caesaris sunt amicissimi, an faeneratores, an agricolae quibus optatissimum est otium? nisi eos timere putas ne sub regno sint qui id numquam, dum modo otiosi essent, recusarunt.*

71 Cic. *Att.* 5.11.3, *Fam.* 3.8.11, 6.6.5.

should protect him (Plut. *Cato Min.* 47.1; Plutarch places this statement during the anarchy of 53), this seems to have been a minority position. Other senators knew better: stability depended on Pompeius's continued protection.

Nonetheless, even if Pompeius probably continued to command troops in Italy and near Rome following his second consulship (cf. *supra*) and had many agents in the City, his *dominatio* did not remove all political agency from others and there were real limits to his power. Most notable was his position as proconsul, which meant he could not cross the *pomerium* and ordinarily attend the Senate.<sup>72</sup> This appeared to remove Pompeius from day-to-day politics: note Sallust's complaint that Rome at this time was ruled by a *factio nobilitatis* which only enjoyed its position due to Pompeius's inattentiveness or negligence (*socordia: ad Caes. sen.* 3.6). But the reality is more complex: the existence of Pompeius's new theatre/*curia*/house/garden complex in the Campus Martius allowed (or, perhaps, forced) the Senate to come to him when necessary.<sup>73</sup> That said, regular Senate attendance had never been Pompeius's style even when he did not possess *imperium* (e.g. 69–67, or after the supposed assassination plot in 58), and he voluntarily spent much time away from Rome in 51.<sup>74</sup> This placed him at a disadvantage vis-à-vis magistrates who could convoke the Senate, as the consuls M. and C. Claudius Marcellus showed in 51–50 in their attacks on Caesar. And Pompeius's notorious inscrutability made it difficult for his agents to react to the moves of others: what, precisely, would he want? This helps explain the Senate's reluctance to take major decisions in Pompeius's absence—but that is itself another sign of his *dominatio*. We see multiple examples of this reluctance, especially in 51: on 22 July the Senate decreed that provincial allocations could only be discussed with Pompeius present (and this was not a question which obviously touched him), while the whole tenor of *ad Familiares* 8.8 is that Pompeius's opinion is needed to give the Senate a lead (Cic. *Fam.* 8.4.4, 8.8.4, 8.8.9, 8.9.5). And in the crisis of the Rubicon, he took the initiative in dealing with the Senate.<sup>75</sup> Overall, a new style of politics was clearly emerging; the Senate had never before shown such a dependence on the opinion of individuals.

What this state of affairs meant was that Pompeius controlled the plane of decision making. With order restored, political decisions were again made in the Senate, according to law; this alone made men like Cicero well-disposed to the regime. If politics remained on this senatorial plane of decision, Pompeius could not be displaced from the position he had created for himself. A friendly tribunician veto could, in the last resort, prevent any legislation to deprive him of it. He could, if willing, use the courts to remove any individual from public life. Pompeius may not have had day-to-

<sup>72</sup> Hurllet (2006) 475.

<sup>73</sup> On Pompeius's theatre complex see Russell (2016) 183–186. The *curia* there was definitely in use by 52: Asc. 52C.

<sup>74</sup> Herbrig (2021) 146–147. See also Frolov (2021) 707–716.

<sup>75</sup> Frolov (2021).

day control over what Meier calls *regelmäßige Politik*, but he had established parameters within which such routine politics had to operate, and he had many dependent senators to act on his behalf.<sup>76</sup>

If any individual or group wanted to change the plane of decision away from Curia and courts by using rioting and street violence (both normal political tactics in the fifties), there was the example of 52: the *SCU* passed, Pompeius ready with *imperium* and troops to re-establish order in the City, the perpetrators swiftly convicted *de vi* and exiled by a court ringed with soldiers. Moreover, because Pompeius held a dominant military position within Italy, there would be no Catilinarian-style rising against him. Nor could the *SCU* be invoked against him: to whom could the Senate appeal? This last point meant that Pompeius himself (and he alone) could shift the plane of decision from words to swords if necessary. This might be politically costly, and probably ran against his inclinations (although Cicero retrospectively had his fears: *Att.* 9.10), but the fact that it was possible closed off many avenues for others to resist the regime he had created. In fact, the only serious threat to that regime was the one that eventually brought it down: viz. the maverick proconsul C. Julius Caesar, the only independent actor left outside this remorseless political logic. And, as we have seen, Pompeius had prepared himself against that threat also. In the event, his methodical preparations proved no match for Caesar's Blitzkrieg *avant-la-lettre*.

## Conclusion

In 53 and early 52, the central processes of the Roman state ceased functioning. In the language of Levinson and Balkin, this was a Type Two constitutional crisis: fidelity to the existing rules of politics could not prevent catastrophe.<sup>77</sup> At this stage, the *Res Publica* really was without body or form. But it was reconstituted by Pompeius as sole consul in 52. There was born a new constitutional order, in the sense the legal scholar Mark Tushnet uses the term.<sup>78</sup> It certainly matches Harriet Flower's idea of a Roman Republic, even if one perilously close to outright monarchy.<sup>79</sup> Flower's language here

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<sup>76</sup> Meier (1980). We may compare Augustus's position during his extended absences from Rome in the 20s.

<sup>77</sup> Levinson and Balkin (2009) 729–738: “one might say that type two crises arise in situations where the Constitution really is a suicide pact” (729).

<sup>78</sup> Tushnet (2003) 1: “By *constitutional order* (or *regime*), I mean a reasonably stable set of institutions through which a nation's fundamental decisions are made over a sustained period, and the principles that guide those decisions. These institutions and principles provide the structure within which ordinary political contention occurs, which is why I call them *constitutional* rather than merely political.”

<sup>79</sup> Hillard and Beness in their chapter in this volume point out the incongruity of a republican born of authoritarian fiat.

is worth considering, not least because she did not consider 52 as one of her “new republican beginnings”, instead calling it “a transitional period”:

If there were several republics, then there must have been several end points or transitions, followed by new republican beginnings (. . .) Republican political life should still be seen as resilient and especially characteristic of Rome as a city-state, but as more adaptive to historical circumstances and thus less inflexible or static. There was, therefore, no single ancient Republic that became fossilized and outlived its usefulness or its historical mission. Rather, a series of republics, some more stable and successful than others, reflected the intense political debate and dynamic expansion intrinsic to Roman political culture.<sup>80</sup>

As we have seen, the creation of this new Republic in 52 certainly saw intense political debate.<sup>81</sup> But the institutions which emerged were those created by Pompeius himself—with consultation, certainly, but without any successful attempt to modify what he proposed. And since Pompeius, chosen consul alone *ex senatus consulto*, held a clear moral mandate to restore the state (recall Tacitus’s *corrigendis moribus*), he was also best placed to shape what was constitutional or legitimate. He had a wide latitude to shape the future, a latitude which existed both in fact and in the minds of his fellow Romans.

Our contention in this chapter is that Pompeius was successful in restoring law and order in the *Res Publica* but that he did so in a way which cemented his own position as Rome’s (currently) uncontested strongman, endowed with a number of carefully calibrated direct and indirect levers of control. Moreover, Competitive Authoritarianism offers us a new theoretical tool to understand that position, and to understand the nature of the Republic of 52.<sup>82</sup> As influential as Pompeius was, he was not the day-to-day decision maker in Rome, and avenues existed for him to be challenged and even removed from power legally—as Curio showed during the crisis of late 50. Of course, that raises the question of whether he would have gone quietly: we can never know, but it is unlikely, given his categorical refusal to accept Curio’s proposal for both Caesar and Pompeius to lay down their extraordinary and heavily militarized provincial commands.<sup>83</sup>

We have already observed some of the markers of Competitive Authoritarianism in Pompeius’s new Republic: raising the cost of opposition (through expanding the scope of criminal law and through its selective application), disproportionate access

<sup>80</sup> Flower (2010) 21–22. On 52–49 as a transitional period: 33.

<sup>81</sup> See the chapter by Russell on the vibrant political debate of this period.

<sup>82</sup> See now Levitsky and Ziblatt’s account of “lawfare”, which exactly parallels Pompeius’s actions: Levitsky and Ziblatt (2023) 51–59.

<sup>83</sup> On this crisis, see now the detailed account of Morstein-Marx (2021) 292–303. The period from 54 to February 52 explains the attempt at a more authoritarian New Republic engineered by Pompeius and his erstwhile opponents in the Senate, whereas the events of late 50/early 49 demonstrate its complete failure on account of its exclusion of a significant sociopolitical segment driven to Caesar and his allies.

to resources, and influence over the *loci* of decision-making (even if these were different in the Roman system than they are in modern systems). Even as Pompeius in 52 shaped what the rules were going to be, in 51 and 50 he retained enormous influence on how, where, and whether they would be adjudicated. He had almost monopolised violence as a political tool, meaning that it would only ‘normally’ ever loom as a threat, not a reality. So even as the outward façade of a Republic remained, restored to working order—even as, in Levitsky and Way’s language, “formal democratic institutions exist[ed] and [were] widely viewed as the primary means of gaining power”—the reality was far less competitive. Whether Pompeius could, in fact, be pushed from his position of supremacy through legal means was never put to the test, because he was driven to war by the one remaining truly independent ‘anomaly’ in this Pompeian New Order: Caesar in Gaul.

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Thibaud Lanfranchi

## Caesar and the Tribunes of the *Plebs*: Process and Events

**Abstract:** The history of Caesar's rise to power is well known, but that of Caesar's relationship with the tribunes of the *plebs* has not been thoroughly untangled. However, from the very beginning of his political career to 52 BCE (when the then tribunes passed a law permitting Caesar's to stand for a second consulship *in absentia*) and then until 44 BCE (with Caesar's opposition to L. Caesetius Flavus and C. Epidius Marullus), Caesar maintained a complex relationship with the tribunes, from whom he also received some attributions (mainly the *ius subselli* and the *sacrosanctitas*). Since the tribunes represented a republican institution *par excellence*, revisiting these relationships might shed a different light on Caesar's rule as well as its evolution during the last years of the Republic.

Caesar's role in the crisis of the Republic needs no introduction: his life and career closely follow the various stages of the upheavals that disrupted the city of Rome during the last century BC and offer a good vantage point from which to discuss the end of the Republic. His relationship with the tribunes of the *plebs*, in particular, is compelling, given the central role these magistrates had played since their creation. As the tribunes were an important part of the Roman system of checks and balances, anyone aspiring to a hegemonic position in the Republic had to reckon with the existence of this magistracy. For anyone wishing to make himself the leader of the *res publica*, it was as much an ideal tool as a potential hurdle on their way to the top. This is why Caesar's interactions with the tribunes are fascinating: they embody his relationship with traditional institutions, his vision of the political balance and the way in which he sought to circumvent such an impediment to his ascent. Although we might naively expect his relationship with the tribunes to have always been good (he was a *popularis* after all), it turns out to be rather complex, a fact that is well illustrated by two snippets of information. The first is from C. Scribonius Curio's speech in Lucan's *Pharsalia* (at the beginning of the Civil War in 49) and it shows how the tribunes backed Caesar.<sup>1</sup> The second is from a speech made by Cassius after Caesar's death, in which he criticises Caesar's behaviour toward two tribunes in 44 (an instance to which I shall return at the end of this paper).<sup>2</sup>

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1 Luc. 1.273–275.

2 App. *BCiv.* 4.93.

The topic is thus not new but it remains compelling,<sup>3</sup> as can be best seen if we analyse it using the opposition between constitutional crisis and constitutional rot.<sup>4</sup> While the final stages of the crisis in the Republic certainly amounted to a constitutional crisis, they came after a long series of events that were precisely the kind of constitutional rot described by J. Balkin as “a degradation of constitutional norms that may operate over long periods of time”.<sup>5</sup> Caesar’s relationship with the tribunes makes a good case study of this phenomenon, as already shown by D. Rafferty in his analysis of Caesar’s consulship in which he combines Meier’s concept of *Krise ohne Alternative* (“crisis without alternative”) with S. Levitsky and D. Ziblatt’s views on democratic decay.<sup>6</sup> Moreover, the story of Caesar and the tribunes of the *plebs* also broaches the question of the relationship between medium- or long-term processes and events. To put it another way, given the vast number of sources available for this period, which make it possible to follow historical developments sometimes day by day, can we determine a tipping point? In this respect, the episode pitting Caesar against the tribunes Epidius and Caesetius, which occurred at the height of Caesar’s rise, raises precisely this issue of the event as a theoretical category: the point in time that truly marks a before and after. This question is all the more interesting when compared with the Greek world. As Matt Simonton shows in his chapter in this volume, demagogues were structural features of most ancient Greek democracies and the same could be said of late-republican Rome. Moreover, as Aristotle points out, contrary to the theory popularised by the Polybian *anakyklosis*, a dysfunctional democracy is often replaced by an oligarchy rather than by a monarchy.<sup>7</sup> Caesar’s case (which is not as unique as Simonton suggests: think of Saturninus, Glaucia, Marius or Clodius) allows us to look at similar processes by seeking to identify precisely what may have led to the switch to another regime: was he simply the last straw in a long line of similar politicians, or did his action take him to a whole new level?

This article aims thus at reconsidering the relationship between Caesar and the tribunes by asking the following questions: how can political connections between Caesar and the tribunes illustrate a process of constitutional rot they made irreversible? How do they exemplify the nature of the crisis of the Republic? Can we detect within them events that would have been likely to alter the very structures of the Republic? It seems all the more interesting to do this now because Caesar has been the subject of a great deal of new scholarship, which has improved our understanding of

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3 We need only mention Pais (1918).

4 Levinson-Balkin (2009); Balkin (2017).

5 Balkin (2017) 151. While I do agree with the fact that the notion of constitution applies poorly to the Roman republic (on this topic, see Russell’s cogent remarks in her chapter), I find it difficult to deny the existence of rules and norms (not necessarily formalized) governing the functioning of this regime.

6 Rafferty (2022).

7 Arist. *Pol.* 1316a 1–24.

the stages and chronology of the building of Caesar's power, thus providing a solid basis for our analysis.<sup>8</sup> To achieve this, I will first make a brief presentation of the tribunes as part of Caesar's wider political positioning. Then I will deal with the role they played in the powers and honours bestowed on Caesar, and finally I will look into the instances of opposition between Caesar and the tribunes.

## The Tribunes as Part of Caesar's Wider Political Positioning

The tribunes of the *plebs* were an integral part of Caesar's broader political positioning and of his being a *popularis* (a political commitment he never disavowed): since the birth of this faction, in the wake of the Gracchi, the tribunate of the *plebs* had in fact been one of its favourite weapons. Moreover, Caesar's career got off to a slower start than that of Pompey and Crassus, who reached the consulship in 70 when Caesar was still only a military tribune.<sup>9</sup> From this point of view, Caesar was an outsider and for this kind of politician no position offered as many opportunities as the tribunate. Being a patrician, he could not run for it, but that did not stop him from using it in several ways.<sup>10</sup>

## The Defence of the Tribunes and their Powers

Caesar's first political stance in this regard can be pinpointed as early as the 70s, during the conflicts surrounding Sulla's legacy. The restoration of tribunician powers (greatly weakened by Sulla's reforms) became a pressing issue, and Caesar campaigned in favour of it, particularly during his military tribunate (71). Regrettably, we lack details on how he went about it.<sup>11</sup>

<sup>8</sup> See in particular Weinstock (1971); Jehne (1987); Kunkel-Wittmann (1995) 712–716; Girardet (1996); Pucci Ben Zeev (1996); Ferrary (1999); Sordi (2000); Ferrary (2010); Vervaet (2014); Moatti (2018); Ferrary (2019a); Morstein-Marx (2021); Rafferty (2022).

<sup>9</sup> Born in 100, his career began in the 80s: he was a legate in 81 and served in Asia. However, it was not until the 70s that his first political commitments became apparent. His career can thus be said to be slower only compared to Pompey and Crassus. By contrast to an average member of the *nobilitas*, it was quite fast-paced. See also Baudry (2008) on patricians' careers.

<sup>10</sup> The following presentation is based on as complete a survey as possible of the interactions between Caesar and the tribunes of the *plebs* between 80 and 44, established using Niccolini (1934); Vanderbroeck (1987); Thommen (1989) and Courrier (2014). For reasons of space, not all cases listed are used.

<sup>11</sup> Suet. *Iul.* 5. On Pompey's promises on this topic, see App. *BCiv.* 1.121. On the debates surrounding the restoration of tribunician powers in the 70s, see also the contribution of Tatum to this volume.

In line with the *populares*, Caesar also consistently defended the tribunes of the *plebs*, by supporting their initiatives: L. Calpurnius Bestia against Cicero in 62 for instance.<sup>12</sup> The same year, Caesar also backed the attempts of Q. Caecilius Metellus Nepos to bring Pompey back to Rome, despite Cato's opposition. Things quickly got out of hand and there was a riot on the day of the vote.<sup>13</sup> Cato had to take refuge in the temple of Castor and Pollux. All this led to Caesar's temporary suspension from office, which did not last long because of popular pressure.<sup>14</sup> In 58, during Clodius' tribunate and despite quarrels between Caesar and some tribunes,<sup>15</sup> P. Sestius, tribune-elect for the following year, went to find Caesar in Gaul in order to gain his support for his law calling Cicero back from exile.<sup>16</sup>

The year 49 is obviously the *locus classicus* of Caesar's politics as he justified his crossing of the Rubicon partly by invoking the illegalities against the tribunes Mark Antony and Q. Cassius Longinus:<sup>17</sup> he claimed to act in defence of the tribunes' prerogatives and justified claims. In a broader sense, he positioned himself as a supporter of a kind of republican legality.<sup>18</sup> This is why he described the senatorial decision of 7 January 49 as *aduersus rem publicam*,<sup>19</sup> making explicit the issue surrounding tribunician powers in a well-known text.<sup>20</sup> Through the tribunes, Caesar's conception of the *res publica*, linked to his own person, becomes obvious.<sup>21</sup> This political stance is also evident during Julia's funeral in 69,<sup>22</sup> and in 65 when Caesar, as curule aedile, had statues of Marius erected in the middle of the night.<sup>23</sup> The memory of Marius was thus used to highlight his political views while he attempted to occupy public space. Caesar was also one of the few senators not to oppose the *lex Gabinia*.<sup>24</sup>

12 Plut. *Cic.* 23.1–2; Cic. *Sull.* 31; Cic. *Ad. Brut.* 1.17.1 et Schol. Bob. 82, 127 Stangl.

13 Suet. *Iul.* 16.1; Plut. *Cic.* 23.1–2 and Plut. *Cat. Min.*, 27.

14 Suet. *Iul.* 16. On all this, see Courrier (2014) 783–784.

15 See *infra*.

16 Cic. *Sest.* 71.

17 As soon as he was elected, at the end of 50, Q. Cassius Longinus announced that he would act in Caesar's favour (Cic. *Att.* 6.8.2).

18 See Caesar's own account and Meier (1989) 10 or Arena (2012) 69–70 and *passim*.

19 Caes. *BCiv.* 1.6.8.

20 Caes. *BCiv.* 1.7.1–2.

21 Cf. Hodgson (2017) 163–219.

22 Plut. *Caes.* 5.2–3, even though Plutarch points out that some among the crowd shouted hostile cries. Unfortunately, it is impossible to identify these persons. See Courrier (2014) 770.

23 Vell. Pat. 2.43.4; Plut. *Caes.* 6.1–7 and Suet. *Iul.* 11. See Courrier (2014) 777–778.

24 Plut. *Pomp.* 25.8.

## Clemency and Opposition to Ungrounded Punishments

Another important aspect was Caesar's emphasis on clemency. As early as 70, he supported the *lex Plautia*, a plebiscite that allowed Lepidus' and Sertorius' supporters to come back to Rome.<sup>25</sup> In 65, he instigated a number of trials against people who had benefited from the proscriptions, trials for which he did not take into account exceptions contained in the *lex Cornelia de sicariis*.<sup>26</sup>

However, it was obviously in 63 that this attitude came to the fore. This was a landmark year, not only in the history of Rome, but also for the relations between the tribunes of the *plebs* and Caesar, who was elected *pontifex maximus* that same year. Through the tribune T. Labienus, he succeeded in launching legal proceedings against Rabirius for *perduellio*, on the grounds that he was involved in the death of Saturninus in 100.<sup>27</sup> Caesar was also one of the few who opposed the use of the so-called *senatus consultum ultimum* against Catilina.<sup>28</sup> At the time of the famous session which sealed the fate of the Catilinarians (5 December), Caesar appealed to the tribunes but they refused to intervene (we do not know which ones).<sup>29</sup> Caesar's main argument (if we are to believe the speech reconstructed by Sallust) was that it was a new punishment, alien to the *res publica*.<sup>30</sup> He also used a comparison with the Thirty Tyrants in Athens. It was thus an argument in favour of *libertas*.<sup>31</sup>

With these choices, Caesar asserted his stature as a *popularis* and once again positioned himself as a supporter of a specific form of republican legality, while at the same time demonstrating his clemency towards the victims and the citizens proscribed by Sulla. Moreover, through his decisions, he was opposing the excessive force used by the *optimates*, defending tradition and, once again, a *res publica* that found its purest expression in the sovereignty of the *populus* and, therefore, in the existence of a tribunate of the *plebs* in full possession of its power.<sup>32</sup> He was also aim-

25 Suet. *Iul.* 5; Gell. *NA* 13.3.5; Cass. Dio 44.47.4. Cf. Sall. *Hist.* 3.47M and *FOR* 3.25, 112.

26 Suet. *Iul.* 11.1 and Cass. Dio 37.10.2.

27 Cic. *Rab. Perd. passim* but especially 12ff.

28 Cic. *Sest.* 61; Sall. *Cat.* 51–52; Suet. *Iul.* 14.2; Plut. *Cat. Min.* 22–23, 24.3 and Cass. Dio 37.36.2.

29 Plut. *Cic.* 21.4.

30 Sall. *Cat.* 51.16–20. In truth, recourse to the *senatus-consultum ultimum* was hardly new (one need only think of C. Gracchus or L. Appuleius Saturninus), but Caesar knowingly glosses over these precedents.

31 See Arena (2012). On *libertas*, see also Wirszubski (1960) and the contribution by Tatum in this volume. One may also think of the famous statement by a centurion at the beginning of the battle of Pharsalus in Caes. *BCiv.* 3.91.2, with the link between *dignitas* and *libertas*.

32 The idea of radical popular sovereignty embodied in the right of the people to undo what they had done goes back to the Gracchi and the deposition of Octavius, or even earlier, cf. Flaig (2017). However, for most Roman politicians, popular sovereignty in no way meant democratic rule and Caesar did not defend such a radical view at the time.

ing at winning the sympathy of the victims and at overcoming old divisions. The *Belum Civile* is a good illustration of Caesar's approach to defending tradition.<sup>33</sup>

## 59: A tribunician consulate?

From this point of view, Caesar's consulship with Bibulus in 59 is eye-opening.<sup>34</sup> A clear division occurred in the tribunician college at the time, with three tribunes supporting Bibulus. Conversely, P. Vatinius was undoubtedly the one who acted most in favour of Caesar and the triumvirs, by first supporting the *lex Iulia agraria* (January 59)<sup>35</sup> and the bill giving Caesar his five-year command in Cisalpine Gaul and Illyria.<sup>36</sup> He also had Bibulus put in prison (although some of his colleagues opposed it)<sup>37</sup> and he was responsible for ratifying Pompey's decisions in the east. Vatinius did so much more for him that Cicero even professed that he did nothing as tribune for which he was not paid by Caesar.<sup>38</sup> One should indeed not imagine that all protagonists in this story were motivated by a coherent ideology, far from it. Caesar himself can be seen in many respects as a pragmatist, even if his allegiance to the *populares* endured. There were, however, many people like Vatinius, who were at the heart of the many rifts in the fabric of the *res publica* during these years. Vatinius' career bears witness to the utilitarian relationship that Caesar had with the tribunes, not hesitating to bribe them lavishly if he could not otherwise secure their support.<sup>39</sup> We might also think of someone like Q. Curius.<sup>40</sup> Such stories remind us that leading figures like Caesar were not the only cause of the crisis: many ambitious though less prominent men like Vatinius or even second-tier figures like Curius supported the great leaders and encouraged them. As Cicero wrote, even in 45, Caesar had his hands tied with a lot of people.<sup>41</sup>

In the same year 59, after having Cato thrown into prison because of his opposition (a typical tribunician action), Caesar had him released by stealthily seeking the assistance of an anonymous tribune.<sup>42</sup> The exercise of Caesar's consulship was

<sup>33</sup> Caes. *BCiv.* 1.9.2; 1.9.5 or 1.32.3.

<sup>34</sup> See Rafferty (2022) for a recent analysis of this consulship.

<sup>35</sup> Cic. *Vat.* 22; Plut. *Cat. Min.* 32.2–6; Plut. *Caes.* 14.9; Plut. *Pomp.* 48.1–3; App. *BCiv.* 2.11–12 and 37–42; Cass. Dio 38.6. Anonymous tribunes swore then to support Caesar's law on the *ager* of Campania, for their own safety: see App. *BCiv.* 2.12 and Plut. *Cat. Min.* 32.3.

<sup>36</sup> Cic. *Vat.* 36; Cic. *Prov. cons.* 36–37; Livy *Per.* 103; Vell. Pat. 2.44.5; Suet. *Iul.* 22; Plut. *Caes.* 14; Plut. *Pomp.* 48.3; Plut. *Crass.* 14.3; Plut. *Cat. Min.* 33.3; App. *BCiv.* 2.13; Cass. Dio 38.8.5; Oros. 6.7.1; Schol. Bob. 146 Stangl.

<sup>37</sup> Cic. *Vat.* 21.

<sup>38</sup> Cic. *Vat.* 38.

<sup>39</sup> On Vatinius' career see *MRR*.

<sup>40</sup> Bur (2013) on his career. These men resemble the average demagogue mentioned by Matt Simon-ton in his contribution.

<sup>41</sup> Cic. *Fam.* 9.17.2

<sup>42</sup> Plut. *Cat. Min.* 33.2 and Plut. *Caes.* 14.10–11.

therefore marked by his close association with some of the tribunes of the *plebs* so as to be able to implement the political agenda decided by the triumvirs, and by some form of imitation of typical tribunician *popularis* behaviour. It can be explained by a desire to secure the support needed to silence the opposition of Bibulus and the *optimates*, but also by the need to tame the potential counter-power of other tribunes of the *plebs*. At last, in line with what has already been said, it was a desire to continue, even as consul, to embody the political position he had achieved over the previous years.

## Interim Conclusion

From the outset of his career, Caesar used the tribunes and their image as defenders of the people and liberty to defend these values as well: through them, he sought to protect citizens, champion clemency by refusing punishments with no ground in the *mos maiorum* and oppose the encroachments of some *optimates*. He did so quite frequently through illegal or unorthodox means, claiming to act only in response to his opponents' manoeuvres. To portray himself as forced to act was a way to tone down the transgressiveness of his decisions: his political hardball could thus be rationalized by the situation. Pompey and Crassus, while also using the tribunes from time to time, did nothing of the sort: for them, the tribunes were essentially a career tool and not a political positioning issue. Moreover, Caesar's aim in so doing, especially from the 50s onwards and along with Pompey's political evolution, was probably to get Pompey, and to a lesser extent Crassus, identified with the position of their allies in the senatorial elite. This positioning obviously goes hand in hand with Caesar's *popularitas*, which has been well highlighted by Z. Yavetz.<sup>43</sup>

Moreover, C. Moatti has shown the tensions that existed around the concept of *res publica* from the time of the Gracchi. In the 60s and 40s, the *optimates* increasingly asserted their vision of the *res publica*, giving it an abstract and absolute meaning limited to the senatorial government.<sup>44</sup> By contrast, Caesar took side with those who defended an alternative vision of the *res publica*, leaving room for the people, and therefore for the tribunes that Sulla had wanted to dismiss. While invoking the *res publica* became a classic feature of politics in these years, Caesar took an original stance, partly through his relationship with the tribunes.

The importance of Caesar's relationship with the tribunes in the long-term processes at work during the last century of the Republic must now be crystal clear. Not only did the tribunes provided Caesar with the means to structure and vindicate his political stance, but they also enabled him to carry out his policies (even when these transgressed *mos maiorum*). This is particularly obvious in the construction of Caesar's powers.

<sup>43</sup> Yavetz (1969) esp. ch. 2.

<sup>44</sup> Moatti (2018) 71–186. On this topic, see Amy Russell's contribution on the absence of consensus breakdown, and on Dean Hammer's ideas, in particular the crisis of consensus about what the proper role of politics is.

## The Tribunes of the *Plebs*, Caesar's Powers and Honours

### The 60s and The 50s

As early as 65, some tribunes supported Caesar's failed attempt to receive a command in Egypt. Like many others, Caesar saw opportunities for his ambition in the local political situation,<sup>45</sup> but one wonders on what grounds he could have exercised this command, having never been praetor before. This undoubtedly explains why it was the tribunes who put forward this idea: he could not have received such a command otherwise.

As Caesar remained far from Rome during the Gallic Wars, we have less information between 58 and 52, but his remoteness partly explains the extensive use of tribunes of the *plebs*. Unlike his main opponents, Caesar's career was not only slower, but long remained more "regular". Unlike Pompey, who held a powerful provincial command while directing affairs in Rome in the late 50s, Caesar could only rely on his command in Gaul (even if it was unusual in size). He could not, therefore, do without proxies and the tribunes were among the most natural candidates for this.

In 56, C. Porcius Cato (a cousin of Cato the Younger, client of Crassus and ally of Clodius) supported the triumvirate after the agreements of Lucca (April 56).<sup>46</sup> In March 55 C. Trebonius, another tribune of the *plebs* allied with the triumvirs, brought forth a bill extending Caesar's command for five years and guaranteeing Pompey and Crassus the proconsulship of the provinces of Hispania and Syria for the same period.<sup>47</sup> Cato the Younger opposed it and received the support of two other tribunes (P. Aquilius Gallus and C. Ateius Capito). C. Trebonius finally had Cato removed from the *Rostra* (as had already happened to him in 59) and sent to prison because of his delaying tactics. He had the Forum barricaded to ensure that the vote could take place the next day, but further unrest broke out and some citizens tried to topple Pompey's statues.<sup>48</sup> In 52, anonymous tribunes proposed making Caesar Pompey's colleague in the consulship that same year, but Caesar instead urged them to pass a law authorising him to stand for the consulship *in absentia*, on the grounds that he wanted to be able

<sup>45</sup> Suet. *Iul.* 11.1 and Cic. *Leg. agr.* 1.1 and 2.41–44. On Egypt's deep political crisis at the time, see Will (1982) 517–527 and Calvelli (2020) 145–150 with bibliography.

<sup>46</sup> Cass. Dio 39.27.3.

<sup>47</sup> While some sources attribute this law to the consuls Crassus and Pompey (Caes. *BGall.* 8.53, Vell. 2.46.2 or App. *B Civ.* 2.18), others emphasise the role of the tribune (Plut. *Cat. Min.* 43 or Plut. *Pomp.* 52.4). The question remains ambiguous but, in view of the context, I follow the opinion of Niccolini (1934) 309 that the sources that attribute the law to the consuls do so but "evidentemente trascurano lo strumento".

<sup>48</sup> Plut. *Cat. Min.* 43.1–3 and 7–8; Cass. Dio 39.33.2 to 36.2. Trebonius became consul suffect in 45. See Courrier (2014) 805–806.

to complete his military operations.<sup>49</sup> As he emphasised, in 48, his respect for the ten-year mandatory interval between his consulships, explanations of this kind may also have come into play.

## From Civil War to Perpetual Dictatorship

The tribunes of the *plebs* were at the heart of Caesar's rise to power. In 51, C. Coelius, L. Vinicius, P. Cornelius and C. Vibius Pansa Caetronianus vetoed senatorial resolutions that aimed at preventing the use of the right of veto and described those who used it as acting *contra rem publicam*. They also vetoed two other resolutions: one on Caesar's soldiers and the other on the province of Cilicia.<sup>50</sup> Faced with increasingly harsh opposition, Caesar needed allies and in 50 he succeeded in securing the support of C. Scribonius Curio (*violentissimus tribunorum* according to Suetonius),<sup>51</sup> even though he was not particularly close to Caesar to begin with.<sup>52</sup> Curio allowed himself to be bought by huge sums of money which enabled him to pay off his debts (like Vatinius). On two occasions (in March and again in the autumn), at Caesar's instigation, he proposed that Caesar and Pompey lay down their arms at the same time, an attitude that earned him demonstrations of support from the *plebs*.<sup>53</sup> He also helped Antony to be elected tribune of the *plebs* for 49.<sup>54</sup>

As already mentioned, the year 49 illustrates Caesar's political position as a defender of republican tradition by protecting the tribunes of the *plebs*, whose power was being jeopardised by Pompey. After their departure from Rome, Mark Antony and Q. Cassius Longinus were *tribuni plebis pro praetore*, holding two antithetical offices.<sup>55</sup> This situation is unparalleled, but it could foreshadow a form of separation between the office and its actual role that we ultimately find with Augustus, and then during the Empire, when the tribunate was emptied of its political substance. The tribunes were then at the heart of Caesar's power-building between 49 and 44 (see Tab. 1).

<sup>49</sup> Caes. *BCiv.* 1.9.2 and 1.32.3; Cic. *Att.* 7.1.4, 7.3.4, 7.6.2, 8.3.3; Cic. *Fam.* 6.6.5, 8.8.3, 16.12.3; Cic. *Phil.* 2.24; Livy *Per.* 107; Suet. *Iul.* 26 and 28; Plut. *Pomp.* 56; App. *BCiv.* 2.25; Flor. 2.13.16; Cass. Dio 40.51.2.

<sup>50</sup> Cic. *Fam.* 8.8.6–8, see Suet. *Iul.* 29.1 and Cass. Dio 40.59.1. On the political issues regarding *sortitio prouinciarum* at the time, see Bothorel (2023) 227–259.

<sup>51</sup> Suet. *Iul.* 29.2.

<sup>52</sup> Cic. *Fam.* 7.32.3, 8.4.2 and see *Fam.* 2.7.

<sup>53</sup> Plut. *Pomp.* 58.4–5 and Caes. 30.2; App. *BCiv.* 2.27.106. See Courrier (2014) 816–817.

<sup>54</sup> Cic. *Fam.* 8.14.1; Caes. *BGall.* 8.50.1–3; Cic. *Phil.* 2.4 and 13.2; Plut. *Ant.* 5.1 and App. *BCiv.* 3.7.

<sup>55</sup> Mark Antony explicitly gave himself this title in a letter he sent to Cicero in May 49 (Cic. *Att.* 10.8A). See also on these tribunes sent in mission Cic. *Att.* 7.18.2; Caes. *BCiv.* 1.11.4; 1.18.2, 2.19.1 and 2.21.4; Plut. *Ant.* 6.4 and Cass. Dio 41.18.3.

Tab. 1: Synthesis of Caesar's power-building.

Date	Powers			Honours		
	Nature	Iter legis	Sources	Nature	Iter legis	Sources
Oct. 49	Dictator comitiorum habendorum causa (11 days)	Lex of praetor M. Aemilius Lepidus	MRR 2, 256–257 and especially: Caes. BCiv. 2.21.5 Caes. BCiv. 3.1.1 Luc. 5.383 Plut. Caes. 37.1–2 (by the Senate) App. B Civ. 2.48 Cass. Dio 41.36.1–2 and 43.1.1 Eutr. 6.20.1 Zonar. 10.8			

Nov. 48	Dictator for one year	<i>Lex</i> of consul P. Servilius Isauricus	<i>MRR</i> 2, 272 and especially: <i>Cic. Att.</i> 11.7.2 <i>Cic. Phil.</i> 13.32 <i>Livy Per.</i> 112. Joseph. <i>AJ</i> 14.190 and 192.	Granted <i>ius subsellii</i>	SC + Cass. Dio plebiscite 42.20.3
Sept. 47	Consulship for 5 years (or exemption from the <i>lex annalis</i> )	Unknown but maybe a plebiscite			
	Full powers to deal with pompeians	Probably a plebiscite of A. Hirtius	Plut. <i>Caes.</i> 51.1 and <i>Ant.</i> 8.4 Cass. Dio 42.20; 42.21.1; 42.35.5 and 42.55.4 Zonar. 10.10		
	Full powers to make war and peace (distinct from his powers as dictator according to F. J. Vervaeke)	Unknown but maybe a plebiscite			
	Power to allocate praetorian provinces				
	Right to triumph over Juba, i.e. recognition that this war was taking place under his auspices				
Responsibility for elections (with the exception of those for plebeian magistrates)					
Sept. 47	Elected consul ( <i>cos</i> III) for 46, with Lepidus	Election	<i>MRR</i> 2, 293 and especially: Plut. <i>Caes.</i> 51.1 and <i>Ant.</i> 10.1–2		
					(continued)



After Mar. 45	Elected consul <i>sine collega</i> (cos IV, abdicated in October)	Election	<i>MRR</i> 2, 304 and especially: <i>Suet. Jul.</i> 76.3 and 80.3 Cass. Dio 43.33.1 and 43.46.2	Granted right to always wear the laurel wreath and to wear the triumphal garb for festivals, plus golden crown for the circus	SC + <i>lex</i>	<i>Suet. Jul.</i> 45.4 <i>App. B Civ.</i> 2.106 Cass. Dio 43.43.1
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	Granted control of the entirety of the military forces and the public treasury	SC	Cass. Dio 43.45.2	Granted title of <i>Liberator</i>		Cass. Dio 43.44.1
	<i>Commendatio</i> on half of the positions to be filled, and extended to plebeian magistrates (including tribunes, although this is not certain)	Unknown but probably a plebiscite	<i>Cic. Phil.</i> 7.16 <i>Suet. Jul.</i> 41.2 Cass. Dio 43.45.1	Granted title (or <i>praenomen</i> ?) of <i>Imperator</i>		<i>Suet. Jul.</i> 76.2 Cass. Dio 43.44.2–4 and 52.41.3
				One day added in Caesar's honour for every <i>supplicatio</i> , for any victory		<i>Cic. Phil.</i> 2.110 Cass. Dio 43.44.6; 47.18.4 and 57.15.5
				Granted an ivory statue during all the <i>pompae</i> <i>circenses</i>		<i>Cic. Att.</i> 13.28.3 <i>Cic. Att.</i> 13.44.1 Cass. Dio 43.45.2
<hr/>						
						(continued)

Tab. 1 (continued)

Date	Powers		Honours		
	Nature		<i>Iter legis</i>	Nature	<i>Iter legis</i> Sources
26 Jan. 44				Granted exceptional <i>ovatio</i> after the <i>Feriae Latinae</i>	SC <i>Inscr.It.</i> XIII 1.86 ( <i>Fasti triumph.</i> <i>Capit.</i> )
Early 44 (Jan.?)	Elected consul ( <i>cos</i> V, abdicated in favour of Dolabella)	Election		Granted <i>sacrosancitas</i>	SC + plebiscite Nic. Dam. <i>FrGrHist</i> 90 F 130, 80 App. <i>B Civ.</i> 2.106 Cass. Dio 44.5.3 Livy <i>Per.</i> 116
				Oath taken by senators to protect Caesar's life	SC? <i>Suet. Iul.</i> 84.2 and 86.1 App. <i>B Civ.</i> 2.124 and 145
				Granted title of <i>parens patriae</i>	SC <i>Cic. Phil.</i> 13.23 App. <i>B Civ.</i> 2.106 Cass. Dio 44.4.4–5



Tab. 1 (continued)

Date	Powers		Honours	
	Nature	<i>Iter legis</i>	Nature	<i>Iter legis</i> Sources
	Binding <i>commendatio</i> on half of the positions, including plebeian ones but maybe not the consulship	SC + plebiscite	Granted right of portraiture on coins	SC + <i>lex</i> ? Cass. Dio 44.4.4 Zonar. 10.12
			<i>Vota pro salute Caesaris</i> were added to the <i>vota pro salute rei publicae</i>	Cass. Dio 44.6.1 and 44.50.1
			Public sacrifices were to be performed on Caesar's birthday	Cass. Dio 44.4.4
	Extension to <i>acta Caesaris</i> of the magistrates' oath in <i>leges</i>	<i>Lex</i>	Religious honours with the creation of a <i>flamen</i> of <i>Diuus Iulius</i>	Suet. <i>Iul.</i> 76.1–2 Cass. Dio 44.6.4
			A fifth day was added to the <i>Iudi Romani</i> in Caesar's honour + Caesar's statue placed on the <i>pulvinar</i> , the couch of the gods in the Circus	Cic. <i>Phil.</i> 2.110 App. <i>B Civ.</i> 2.106
			Caesar's son was to become <i>pontifex maximus</i>	App. <i>B Civ.</i> 2.106 Cass. Dio 44.5.3 Livy <i>Per.</i> 116

13 or 14 Feb. 44	<i>Dictator perpetuo</i>	<i>Lex Antonia</i> (?)	<i>Inscr.It.</i> XIII 1.56 ( <i>Fasti</i> <i>Capit.</i> ) <i>Cic. Phil.</i> 2.87 <i>Joseph. AJ</i> 14.211	Triumphal garb were replaced by purple <i>toga</i> and gilded chair	SC + <i>lex</i> ?	<i>Cic. Phil.</i> 2.85 <i>Cic. de diu.</i> 1.119 <i>Val. Max.</i> 1.6.13 <i>Plin. NH</i> 11.186
Between Jan. and Jul. 44				Month of <i>Quintilis</i> was renamed after Caesar family name	SC + <i>Lex</i> <i>Antonia</i>	<i>Suet. Jul.</i> 76.2 <i>Plut. Num.</i> 19.6 <i>App. B Civ.</i> 2.106 <i>Cass. Dio</i> 44.5.2 <i>Censorinus</i> <i>DN</i> 22.16 <i>Macr.</i> 1.12.34

It began in 49, when Caesar received a dictatorship *comitiorum habendorum causa* while he was still in Massilia, thanks to a law passed by the praetor M. Aemilius Lepidus.<sup>56</sup> However, he did not take office until he arrived in Rome.<sup>57</sup> This dictatorship lasted only eleven days and Caesar abdicated without having appointed a Master of the Horse. He then emphasised his respect for the 10-year law, a way of highlighting his legalism in opposition to Pompey.<sup>58</sup> Although this dictatorship was fraught with illegality, it was nonetheless purely utilitarian and could be seen as an acceptable breach with traditional practices. Things changed from 48 on. This is when the tribunes came in and, in line with what J.-L. Ferrary has shown, it must be said that there is a greater coherence here than Cassius Dio's text might suggest.<sup>59</sup>

In 48, only one potential tribune is known: A. Hirtius.<sup>60</sup> He is believed to have been tribune because of his law on Pompey's supporters and because he was praetor in 46. He ended up consul in 43 thanks to his close relationship with Caesar, with whom he had served in Gaul.<sup>61</sup> As for the rest, it was after Pompey's death was known with certainty in Italy (November 48) that a whole series of measures were passed.<sup>62</sup> For all these measures, we lack precise evidence that would allow us to detail the *iter legis*, but we have every reason to believe that the tribunes came in when the most crucial decisions were passed.

Caesar was appointed dictator for one year (with Antony as Master of the Horse).<sup>63</sup> It was accompanied by other measures listed in the chart for 48.<sup>64</sup> Following J.-L. Ferrary, it should be emphasised that the appointment as dictator was dissociated from the rest (in particular from Hirtius' plebiscite), which undoubtedly implies a dif-

<sup>56</sup> Caes. *BCiv.* 2.21.

<sup>57</sup> Cass. Dio 41.36.1–2.

<sup>58</sup> Caes. *BCiv.* 3.1.1.

<sup>59</sup> Ferrary (2010).

<sup>60</sup> Hypothesis by Willems (1878) 592–593, backed by Ferrary (2010) 15.

<sup>61</sup> He died during the War of Mutina, 21 April 43, and he was granted a public funeral.

<sup>62</sup> See here Jehne (1987); Ferrary (1999); Ferrary (2010); Vervaeke (2014); Ferrary (2019a).

<sup>63</sup> There is a debate to decide whether the choice was made by Caesar (Ferrary [2010] 12) or by others (Vervaeke [2014] 226 n. 39).

<sup>64</sup> For Ferrary (2010) 13, the consulship for five years was only an exemption from the *lex annalis*, and he insists on the fact that Caesar himself pointed out his respect for this law in 49 (Caes. *BCiv.* 3.1.1), whereas Vervaeke (2014) 224–225 sees it as an authorisation of being consul from 46 to 42. Given the changes made from 48 onwards, Vervaeke's hypothesis seems attractive, albeit uncertain. I also include the right to triumph over Juba here because, as shown by Ferrary (2010) 14 what was at stake was not the honour of the triumph as such, but the fact that the celebration of this triumph would in any case fall to Caesar, whoever the actual commander in the field was, since the war would take place under his auspices. It was therefore less a question of actual honour than of reasserting his institutional position, and this decision was part of the more general evolution of the right to triumph, completed under Augustus: see Flaig (2003) and Flower (2020). Cassius Dio insists on the fact that he only mentions the honours accepted and that Caesar was offered others which he refused (Cass. Dio 43.14.17, and also Cass. Dio 42.19.3–4).

ferent legislative process for the other measures. This can probably be explained by a desire to distinguish himself from the Sullan precedent, which combined dictatorship and proscription (even though Hirtius' plebiscite was not, strictly speaking, a proscription).<sup>65</sup> Moreover, according to F. J. Vervaeet, the nature of Caesar's dictatorship in 48–47 suggests that he was already thinking of transforming this temporary office into a regular annual magistracy that would place him above the consuls. Finally, it should be noted that there was a real coherence in this set of measures, which reinforced Caesar's position and which were undoubtedly passed as a package. One need only think of the measure on elections which excluded plebeian magistracies: he could not attack what he had stood up for. He still claimed to be protecting the tribunes and therefore, through them, the freedom of the people, which prevented him from undermining their rights and prerogatives. For all these reasons, it seems reasonable to follow F. J. Vervaeet's suggestion that, with the exception of the dictatorship, everything was voted thanks to the tribunes of the *plebs* because Caesar had powerful allies in the college of 49.<sup>66</sup> This last argument leads us to hypothesise that the measures were drawn up by the dictator and carried out by his allied tribunes.

While they were instrumental to the shift in Caesar's power from 48 onwards, their role thereafter is unfortunately less clear, with the exception of the *commendatio* for elections (see chart). As it led to the plebiscite of L. Antonius with binding *commendatio* on half of the positions, one could imagine a plebiscite took place the two previous times. We may also wonder whether the renewal of his dictatorship<sup>67</sup> was accompanied by a renewal of the other measures of 48: we cannot know for sure, but if so, we could again assume tribunician interventions. On the other hand, tribunes were not involved in the transformation of the dictatorship into a perpetual dictatorship, which took place at the beginning of 44, after 26 January but before 9 February: he took office as perpetual dictator on 15 February 44 at the latest (and perhaps on 13 or 14).<sup>68</sup> His *praefectura morum* was also made permanent, while the plebiscite of L. Antonius settled the question of *commendatio* during elections.

As can be seen, the tribunes of the *plebs* intervened at key moments, even though they were not the only ones involved; quite the contrary. All possible legislative ways were used, depending on the nature of the measures proposed, and always in accordance (at least formally) with the republican tradition that Caesar claimed to defend.

<sup>65</sup> On the differences between these two dictatorships, see Hurlet (1993) 172–175 and Hurlet (2010) 111–112.

<sup>66</sup> Vervaeet (2014) 225–226.

<sup>67</sup> He received in 46 an annual dictatorship renewable for 10 years (Vervaeet (2014) 228 n. 49 assumes that he took office as dictator “probably late in April 46”). How this dictatorship came to be named is not certain: in fact, there may never have been any specification. In addition to Ferrary (2010) arguments, I agree with Vervaeet (2014) 227 n. 48 that using the name of Sulla's dictatorship would not have made much sense.

<sup>68</sup> See Pucci Ben Zeev (1996) and Ferrary (2010) 24–28 for the exact date.

For instance, once dictator for life, he abdicated the consulship and had P. Cornelius Dolabella elected, even though the problem of the institutional relationship between the consuls and the Master of the Horse had not been resolved. In these decisive years for the collapse of the *res publica*, he continued to use the same arguments. First, he claimed his actions were motivated primarily by the lawlessness of his opponents. Then, he claimed to be a defender of the *res publica*, still embodied in the preservation of the powers of the tribunes (unlike his opponents and Pompey in particular). Finally, he continued to rely on precedents, which was essential under the Republic. Until 48, Caesar undoubtedly had no powers for which he could not claim any precedent. Even after 48, such institutional novelties as the three-year *praefectura morum* could be presented as a kind of censorship whose duration would have been doubled, whereas the 10-year dictatorship doubled the 5-year allocations of provinces. Things changed especially after Munda, as can be seen mainly through the evolution of his dictatorship and through the honours he received (see chart above)

## Caesar's Honours

As early as 60, tribunes were said to have voted Caesar a triumph over Hispania, which he refused in order to concentrate on his campaign for the consulship: it is his first known *recusatio*.<sup>69</sup> We do not know his reasons, or whether the decision to vote this honour was suggested by Caesar himself but it shows that Caesar did not invent the use of *recusatio* toward the end of his career.<sup>70</sup> In 48 he was granted the *ius subsellii*, but not full tribunician powers: the first lifetime honour he received was thus a tribunician one.<sup>71</sup> The bulk of the honours however were awarded only after Munda and Caesar's return to Rome (October 45, see chart). These honours fall into three main categories. First, those that gave him an almost permanent status as a triumphator: the laurel wreath and the triumphal garment for instance. Caesar had a precedent for this: in 63, T. Ampius Balbus and T. Labienus passed a plebiscite allowing Pompey to wear a golden crown and the triumphal dress. Pompey only did it once, however.<sup>72</sup> Next come the titles (*parens patriae* or *imperator*)<sup>73</sup> and public honours such as stat-

<sup>69</sup> Cass. Dio 44.41.3.

<sup>70</sup> The very idea of *recusatio imperii* (so important later for Augustus) was not Caesar's invention: we need only think of Pompeius' famous *recusatio provinciae* of 70. On this point, see Hurlet (2010) 118–123 and Vervaeke (2010).

<sup>71</sup> On this honour, see Ferrary (2010) 16–17; Ferrary (2019a) and Lanfranchi (2023).

<sup>72</sup> Cass. Dio 44.4.4–5. And, of course, there was an older tradition of extraordinary honours that can be traced back at least as far as those received by C. Duilius after the battle of Mylae (260): in particular, the privilege of being accompanied by a torchbearer and a flautist.

<sup>73</sup> The title of *imperator* was not as a *praenomen*, according to Ferrary (2010) 18–19; *contra* Vervaeke (2014) 229.

ues and right of portraiture on coins. Then come the religious honours. Tellingly, the chart shows an acceleration in the awarding of these honours from 45 onwards. The final measures were taken on unknown dates between December 45 and March 44, at the very moment when dictatorship became perpetual.<sup>74</sup> This truly revolutionary initiative thus began shortly before Caesar's assassination, which makes its interpretation difficult: we do not know what Caesar would have done afterwards.<sup>75</sup> In fact, Antony prevented some of these honours from being carried out after the Ides of March. Even more significant was his law abolishing the dictatorship.<sup>76</sup>

Caesar received the tribunician *sacrosanctitas* at the beginning of 44, precisely in this context. He was in an ambiguous position: being a patrician, he could not assume the tribuneship (unless he proceeded like Clodius), but this office carried powers and a symbolic dimension that he could not ignore and that he had to control in one way or another, as he had sought to do throughout his career. What was Caesar trying to achieve with his *sacrosanctitas*? The idea of a physical protection is not very cogent, and this privilege should be interpreted in two complementary ways. On the one hand, it integrated Caesar into the group of tribunes. It gave him the symbolic aura of an office that he sought to defend: it was more this symbolic aura than any particular protection that Caesar was seeking. Besides, even if they remained extraordinary events, the murder of tribunes of the *plebs* was well documented at the times. On the other hand, this privilege must be seen in the context of the religious honours received by the dictator in the 40s, which culminated in the decisions passed at the end of 45/beginning of 44. It thus lies at the crossroads of these two aspects of Caesar's policy and must be understood in relation to the way in which he consolidated his position in the field of triumph and auspices. The overall aim was to elevate the person of Caesar above all his fellow citizens and thus build a new and unprecedented civic entity. As the existence of special honours awarded to magistrates goes back a long way under the Republic, it could initially serve to justify Caesar's policies. However, the accumulation of these honours eventually became too much and profoundly transformed their very meaning.

## Interim Conclusion

All of this is obviously crucial in a system that constantly operated in relation to the *mos* in order to justify new developments. This dialectic around the *mos maiorum* was constitutive of republican practice and of the *gewachsene Verfassung* theorised

<sup>74</sup> Ferrary (1999). On Caesar's religious honours, see also Weinstock (1971).

<sup>75</sup> Ferrary (2010) 21.

<sup>76</sup> Cic. *Phil.* 1.3 and 2.91; Livy *Per.* 116; App. *BCiv.* 3.25; Cass. Dio 44.51.2. This rejection of dictatorship was later confirmed by Augustus in 22: *RGDA* 5.1; Suet. *Aug.* 52; Vell. Pat. 2.89.5; Cass. Dio 54.1.3.

by C. Meier.<sup>77</sup> Nothing changed nominally, since all Roman politicians were doing was repeating things that had already happened. In practice, the *mos* served to allow transgression, but a transforming transgression that enlarged the repertoire of possibilities available to Roman politicians. In a sense, innovation had always been possible – and even attractive – in Rome, and perhaps entailed the great malleability of this polity.<sup>78</sup> Yet, innovation was possible as long as it remained part of the pre-existing system that allowed it and as long as it was endorsed by the other members of the *res publica*. Caesar did not behave otherwise, but pushed the logic to its extreme end, and he could do so because many before him had taken the transgression ever further.<sup>79</sup> Here he can be seen as acting through constitutional hardball, and hence the importance of his rhetoric of normality. Precisely because he took transgression further than usual, it was all the more necessary for him to emphasise his respect for norms or justify his actions by the necessity of the moment. The old canonical saying *necessitas non habet legem* came in very handy here. But there was nonetheless a great difference: you could find former example for almost all of his powers (albeit not all) but you could not find an example of one unique person receiving all these honours and powers before him. Here lies the great difference and, from this point of view, the tribunate was the ideal tool for transgression, since it was itself a magistracy of revolutionary origin. The story of Caesar provides a very enlightening example of how a politician who steps outside the accepted framework must, even in a crisis situation, find elements to vindicate his actions. It also shows that, at one time or another, opposition inevitably becomes stronger and pushes people to take the decisive step. This is why, if there is a turning point, it undoubtedly dates from 45 because, before all these measures were passed, it was still possible for Caesar to claim to be sailing in republican waters. It was more and more difficult afterwards, as can be shown by the conflicting relations between Caesar and the tribunes.

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<sup>77</sup> Meier (1984) 63–81.

<sup>78</sup> See also on this topic Amy Russell's emphasis on the great flexibility of the Roman political system in her contribution. I mostly agree with her on this point, although the idea of flexibility should not obscure the fact that binding rules did exist.

<sup>79</sup> Obviously, parameters external to the aristocratic ethic and the field of political competition are involved here: economic changes, the enormous extension of the empire and the problems this raised in terms of matching traditional institutions with management needs, the influence of Hellenistic models, etc. It is by no means my intention to downplay these aspects or the complex networks of interlinked factors at the root of the crisis, but it is beyond the scope of this text to go into them again.

## Opposition Between the Tribunes and Caesar

### The First Frictions

As soon as 59, some episodes like the demonstrations against Pompey and Caesar during the *ludi apollinares* of July 59 are significant.<sup>80</sup> According to Cicero, Clodius' initial manifesto for his tribunate was to attack Caesar's measures,<sup>81</sup> whereas someone withdrew his candidacy as tribune so as not to have to swear to defend Caesar's agrarian measures.<sup>82</sup>

Between 58 and 44, our sources mention a significant number of episodes of tension between the tribunes and Caesar. In 58, L. Antistius led an attempt to accuse Caesar, who had to appeal to the rest of the college to escape.<sup>83</sup> In the same year, Q. Terentius Culleo sought to separate Pompey and Caesar by recommending that Pompey divorce Julia.<sup>84</sup> For his part, P. Rutilius Lupus made a speech against Caesar's agrarian laws on 15 December 57.<sup>85</sup> In 56, the consul Lentulus is said to have prevented some tribunes from proposing monstrous laws against Caesar.<sup>86</sup> At the end of March 49, on his arrival in Rome, Caesar opposed the tribune L. Caecilius Metellus, who wanted to prevent him from seizing the public treasury. According to Cicero, Caesar considered having the tribune put to death before backing down when he realised the seriousness of the act and the fact that he had displeased the people.<sup>87</sup> In 47 a complicated conflict occurred between P. Cornelius Dolabella and the tribunes C. Asinius Pollio and L. Trebellius. The conflict revolved around Dolabella's programme of rent remission and debt abolition. Antony (who was Master of the Horse since December 48) dealt harshly with Dolabella's activities (800 rebels were killed) and the ringleaders were thrown off the Tarpeian Rock, which earned Antony the resentment of the *plebs* of Rome.<sup>88</sup> This episode took place while Caesar was kept busy by the conflict in Alexandria and he was unable to intervene.

In October 45, L. Pontius Aquila (one of Caesar's future assassins) was the only tribune to remain seated during the celebration of Caesar's triumph over Hispania.

<sup>80</sup> Cic. *Att.* 2.19.3 and 2.20.4; Suet. *Caes.* 20 and 39; Plut. *Pomp.* 48.6 and Val. Max. 6.2.9. See Courrier (2014) 788.

<sup>81</sup> Cic. *Att.* 2.12.2.

<sup>82</sup> Cic. *Att.* 2.18.3 and *Planc.* 12 and 52. See Cass. Dio 38.7 for this oath.

<sup>83</sup> Suet. *Iul.* 23.

<sup>84</sup> Plut. *Pomp.* 49.3.

<sup>85</sup> Cic. *QFr.* 2.2.1–3 and Cic. *Fam.* 1.1.3 and 1.2.2. See also Cic. *QFr.* 2.5.3.

<sup>86</sup> Cic. *QFr.* 2.4a.3.

<sup>87</sup> Cic. *Att.* 10.4.8 and 10.8.6; Cic. *Fam.* 8.16.1; Caes. *BCiv.* 1.33; Luc. 3.114–168; Plin. *HN* 33.56; Plut. *Caes.* 35.6–11; Plut. *Pomp.* 62.1–2; App. *BCiv.* 2.41.163–164; Flor. 2.134.21; Cass. Dio 41.17; Oros. 6.15.5. See Courrier (2014) 817.

<sup>88</sup> Plut. *Ant.* 9.1–5; Cass. Dio 42.29–32; Livy *Per.* 113. See also Cic. *Att.* 11.10.2, 11.12.4, 11.15.3, 11.16.1, 11.23.3; Cic. *Fam.* 14.13; Cic. *Att.* 11.24.1 and frgt 28 of the correspondence with Octavian.

Caesar condoned the offence and he made jokes about it in the following days.<sup>89</sup> For P. Montlahuc, *ces railleries contre un représentant du peuple révèlent que la République était détenue par César, qui daignait simplement la rendre audit peuple* (“these taunts against a representative of the people reveal that the Republic was held by Caesar, who simply deigned to return it to the people”).<sup>90</sup> This explanation seems a little short-sighted, especially when compared with the events in 44. Caesar let it happen because this outrage occurred during a momentous period. While an act of defiance, it was not illegal and Caesar had no legal means of punishing it without sounding like a tyrant. As he was about to receive tremendous honours, it was not his best interest to chastise Aquila. Everything changed in 44.

## The Year 44

C. Epidius Marullus and L. Caesetius Flavus, tribunes of the *plebs* in 44, were involved in disputes with Caesar.<sup>91</sup> The account of events differs slightly from one source to another, the most complete versions being those of Cassius Dio and Appian (with some differences).<sup>92</sup> Our sources hesitate as to whether the episode took place before the Lupercalia on 15 February 44 (Appian, Cassius Dio, Nicolaus of Damascus, Suetonius) or after (Plutarch): either before the perpetual dictatorship was granted (13 or 14 February), or after.

Cassius Dio gives us the most comprehensive presentation. The two tribunes first had the diadem removed from one (or perhaps two)<sup>93</sup> of Caesar’s statues on the *rostra* and praised Caesar before the people (probably during a *contio*) for his refusal of this kind of honour. Then, on Caesar’s return from the *Feriae Latinae* (26 January 44), the tribunes prosecuted those who welcomed him as king during an *ouatio*, this time triggering the dictator’s anger. They were however praised with the title of Brutus by the crowd. Caesar attacked them only after one final mishap: the publication of an edict in which the tribunes complained that they could not express themselves freely. Caesar accused them in the Senate of wanting to stir up hatred against him and, even though some senators came out in favour of the death penalty, they were simply removed from office and expelled from the Senate through the help of their colleague C. Helvius Cinna (this last episode is the one that took place before or after the Lupercalia). Caesar acted *peut-être en vertu de la loi Cassia, si elle ne concernait pas seule-*

<sup>89</sup> Suet. *Caes.* 78.4.

<sup>90</sup> Montlahuc (2019) 270.

<sup>91</sup> Cic. *Phil.* 13.31; Livy *Per.* 116; Val. Max. 57.2; Suet. *Caes.* 79.1–2; Suet. *Caes.* 80.5; Vell. Pat. 2.68.4–5; App. *BCiv.* 2.108.122 and 138; App. *BCiv.* 4.93; Plut. *Caes.* 61.8–10; Plut. *Ant.* 12.7; Cass. Dio 44.4.5; Cass. Dio 44.9–10; Nic. Dam. *Vit. Caes.* 20.69.

<sup>92</sup> Toher (2016) 292–299 and 316 has six different versions.

<sup>93</sup> See Cass. Dio 44.4.5.

ment ceux dont le peuple avait abrogé l'imperium, mais aussi ceux qu'il avait déchus de leur magistrature ("perhaps by virtue of the *lex Cassia*, if it concerned not only those whose *imperium* the people had abrogated, but also those stripped of their magistracy").<sup>94</sup> It is possible that the two men were subsequently reinstated (after Caesar's death), if we are to believe the testimony of Cicero and, above all, Nicholas of Damascus.<sup>95</sup> The reality of this return remains difficult to grasp, although Appian does mention it.<sup>96</sup> In the other sources, the loss of the tribuneship is the most constant element, while the hypothesis of an exile is sometimes put forward.<sup>97</sup>

The legalities of the case are complex but the tribunes acted as defenders of republican legality and the edict was a traditional means of action. Their position was nonetheless rather ambiguous, as they had taken an oath not to oppose any of Caesar's decrees like all new magistrates.<sup>98</sup> Moreover, to accuse the dictator of restricting their right to express themselves before the people was a very serious accusation, which on the basis of a plebiscite from 492 could lead to a charge of *perduellio*. According to H. Kloft, the Senate only acted once the revocation had been voted by the people (as for Octavius in 133).<sup>99</sup> The two tribunes' motives have often been interpreted as a desire to defend republican tradition against monarchical trends, and it should be emphasised, along with M. Gelzer, that the incident sheds a harsh light on Caesar's relationship with the traditional organs of the Roman Republic.<sup>100</sup> F. Rossi suggests more simply that the tribunes were Pompeians or in favour of the Senate, but this hypothesis lacks support in the sources.<sup>101</sup> More importantly, once again, Caesar used some "traditional" political tool and not his dictatorial powers. The substance of the case can thus essentially be explained by the unforeseen clash between the actions of the two men and the complex scenography of Caesar's new powers and honours. Let us recapitulate the sequence of events. In late 45–early 44, an unprecedented series of honours placed Caesar in an extraordinary position. On 26 January 44, after his return from the Latin festivals, he received an exceptional *ouatio*. On 13 or 14 February 44 his dictatorship became perpetual<sup>102</sup> and some final honours were granted.

<sup>94</sup> Ferrary (2019b).

<sup>95</sup> Cic. *Phil.* 13.31 and Nic. Dam. *Vit. Caes.* 22.76.

<sup>96</sup> App. *BCiv.* 2.122. See also Cass. Dio 44.11.4 and Suet. *Caes.* 80.5

<sup>97</sup> See the hypothesis by Schelle (1891) 2–5 and Drumann-Groebe (1906) 620 of a voluntary exile. Duttlinger (1911) 80–83 and 99–101 hypothesised a misunderstanding of the Latin expression *a re publica remouere*, while Toher (2016) 292–299 and 316 thinks the exile possible.

<sup>98</sup> App. *BCiv.* 2.106.

<sup>99</sup> Kloft (1980), see also Ferrary (2019b). Kloft also hypothesised that Nicholas of Damascus' source could have been Augustus' autobiography.

<sup>100</sup> Gelzer (1960) 295–296.

<sup>101</sup> Rossi (1953).

<sup>102</sup> The transformation of his dictatorship occurred before 9 February, but he took office as perpetual dictator only a few days later.

Then, on 15 February 44, the famous *recusatio* of kingship was staged during the Lupercalia, a *recusatio* that was absolutely necessary after the recent developments.<sup>103</sup>

The tribunes' intervention was therefore unacceptable, because to claim that they could not express themselves was tantamount to saying that it was all a façade and that Caesar was perhaps actually aspiring to kingship. Besides, if Suetonius is to be believed, they prevented Caesar from expressing a *recusatio*, depriving him of its glory,<sup>104</sup> which leads us to imagine a two-stage *recusatio* project:<sup>105</sup>

- first upon his return from the Latin festivals (aborted due to the action of the tribunes)
- and then at the Lupercalia.

Action against the tribunes would therefore make sense before the Lupercalia, so as not to interfere with the second *recusatio*. On this occasion Caesar crossed a red line by attacking the tribunes for the first time. It testifies not only to the importance of the processes at work in his mind, but also perhaps to the fact that he felt his powers sufficiently secure to allow him to do so. As Kloft wrote: *alte und die sich in Caesar aussprechende neue politische Ordnungsvorstellung stoßen in diesem Kampf aufeinander* ("The old and the new political order expressed in Caesar clash in this battle").<sup>106</sup> The fact that Caesar involved the traditional organs of the Republic (Senate and tribunate of the *plebs*) in the affair shows that he was well aware of the symbolic value of what he was doing.

The episode of 44, once reintegrated into complex processes and the succession of decisions of 45–44, has all the hallmarks of a tipping point and raises the question of the event in its strongest sense.<sup>107</sup> Was this a historical event, a shift towards something else? It may be so if we think of a historical event as a specific historical category. In his attempt to define the historical event, W. H. Sewell sees it as a "sequences of occurrences that result in transformations of structure", before adding: "A historical event, then, is (1) a ramified sequence of occurrences that (2) is recognized as notable by contemporaries, and that (3) results in a durable transformation of structure".<sup>108</sup> This interpretation can be crossed with that of Paul Ricoeur, whose main distinction operates between the *événement-occurrence* and the *événement-sens*, the last one being the only true "historical event", which creates a discontinuity and struc-

<sup>103</sup> Let us just think of Shakespeare: "You all did see that on the Lupercal / I thrice presented him a kingly crown, / Which he did thrice refuse: was this ambition?" (*Julius Caesar*, act 3, scene 2, ll. 96–98).

<sup>104</sup> Suet. *Iul.* 79.1

<sup>105</sup> An idea first mooted by Ferrary (2010) 29. See also Morstein-Marx (2021) 519–521 and his hypothesis that "they were testing the limits of the new post-Civil War environment". As already said (see *supra* note 69), Caesar did not invent the idea of *recusatio*.

<sup>106</sup> Kloft (1980) 334.

<sup>107</sup> I would like to thank James Tan for the fruitful discussion on this point.

<sup>108</sup> Sewell (1996) 843–844.

tural modifications.<sup>109</sup> This is where Sewell and Ricoeur are close: for them, an “historical event” in its purest sense is inscribed in a relationship to structures and conjunctures. The opposition to Epidius and Caesetius, which took place just before the Ides of March, constitutes a “historical event” in this precise meaning. It has the fractal character identified by Sewell and is in fact composed of all the sub-events documented between 45 and Caesar’s assassination. It came at the end of a long chain of occurrences (the slow and gradual disintegration of republican legality, constitutional rot) and marked a turning point in the relationship between Caesar and the tribunes, a turning point that illuminates the decisive developments of 45–44, and Caesar’s death itself, especially if one follows Morstein-Marx’s hypothesis that it “prompted a kind of underground, popular ‘graffiti campaign’ which exploited the references to L. Brutus”.<sup>110</sup> But this seems an inexplicable act by Caesar only if we forget that his relations with the tribunes were more complex than we think, and if we do not put it in the context of the years 45–44.

## Conclusion

Politicians act within constellations, situations, which they constitute but which also constitute them.<sup>111</sup> Caesar cannot be understood outside of broader developments that he illustrates: for instance, the powers or honours that he was not the first to receive, but which ultimately took a significant step forward with him, further aggravating the Roman institutional crisis. At the same time, he represents a major turning point because he accentuated some phenomena and invented others, particularly in the relationship with the tribunes. Caesar clearly illustrates that those who participate in the collapse of a system usually find themselves at the crossroads of more or less contradictory assertions and behaviour: a claim to defend and embody the old, while at the same time radically subverting it. Through the tribunes, the story of Caesar also vindicates the idea that great changes often come about through the slow and continuous action of many minor figures, who are often forgotten because they are less important, rarely motivated by noble ideological or theoretical considerations, but whose action was nonetheless crucial. It would undoubtedly be interesting to produce a precise prosopography of the second fiddle of the crisis of the Republic, enabling an analysis of this crisis through these figures. It is a powerful reminder that nothing is written in advance.

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<sup>109</sup> Ricoeur (1991) 51–52 and Ricoeur (1992).

<sup>110</sup> Morstein-Marx (2021) 527. It is however hardly certain, from the sources, whether such “graffiti campaign” was truly popular. See, here, the insightful remarks by Courrier (2014) 821 n° 128 and 826–827.

<sup>111</sup> Meier (1989) 11.

Caesar's story can also only be understood within the context of the mutation of the very concept of *res publica*, a notion which was undergoing profound political and semantic change.<sup>112</sup> As F. Schulz wrote: *Die libera res publica der römischen Staatslehre ist mit der "Republik" der modernen Staatslehre nicht identisch; sie läßt mannigfache Ausprägungen zu; und weitgehende Spezialkompetenzen, wie zum Beispiel Sulla erhalten hatte, sind mit ihr verträglich* ("The *libera res publica* of Roman state theory is not identical with the 'republic' of modern state theory; it allows for manifold expressions; and far-reaching special powers, such as Sulla had received, are compatible with it").<sup>113</sup> That is beyond dispute, but maybe only to a certain extent. The Roman case was all the easier from this point of view because it was a regime that was constantly revamping. To say it with Saussure: *le signifiant demeure* (*res publica* for instance) *mais le signifié change*. The rupture here lies in the combination of profound structural elements (including economy) with these constant *re-sémantisations* and the existence of politicians who were hell-bent on doing everything for power. Hence the process of constitutional rot already mentioned and the final crisis: at some point, the Romans ran out of possibilities for flexibility. All this perhaps explains Caesar's failure to make a clear-cut decision and commit himself to a new order, as Augustus did. He was unable to get rid of some traditions (or did not have the time to evolve to do so because of the time he spent outside Rome and because of his assassination), and was prisoner of numerous social links and commitments: until he decided to take action against Epidius and Caesetius. Here again his relationship with the tribunes (especially in comparison with Augustus but also with Sulla) is illuminating. In his own way, Cicero had clearly understood that Caesar's death in 44 was not the end of the problems when he wrote in May 44 that the dictator's death took away a king but not kingship.<sup>114</sup>

This case study also shows how difficult it is to find the decisive turning point in the fall of a regime: it is an accumulation of small steps that make the tipping point. Of course, an event is only ever characterised as such by the historian, *ex post facto*, on the basis of the traces it left. The history of Caesar and the tribunes, however, by virtue of the details it offers, particularly in the last months of the dictator's life, makes this possible and possesses that historical density peculiar to long-range events which, like the Storming of the Bastille chosen as an example by Sewell, keeps attracting the attention of historians.

<sup>112</sup> See again Meier (1989) 17 and Moatti (2018), to be compared with Hodgson (2017).

<sup>113</sup> Schulz (1934) 60. Here again, see Russell's contribution on this topic and the chapter by Dart, Rafferty and Vervaeke in this volume.

<sup>114</sup> Cic. *Fam.* 12.1.1. On Caesar's later image, see de Dijn's contribution.

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# Who Counts as the Roman People? Caesar's *recensus* and Discriminatory Populism

**Abstract:** The Romans themselves believed that public distributions of grain were as old as the Republic. Commentators have deemed the system to be an unwieldy mess. These same scholars argue that in 46 Caesar solved the problem by creating two new annual plebeian aediles (*aediles Ceriales*) dedicated to the grain supply and limiting the number of recipients after conducting an expansive *recensus*. Praise for his interventions rests on assumptions about the history of grain distributions during the Republic and, especially, a belief that Rome's political class (as a whole) paid less attention that was needed to the provision of food. However, what is represented as a solution can in fact be viewed as creeping authoritarianism writ large. The better aspects of this administrative reform were a continuation and extension of what had gone before while the startling decision to set an upper limit to the number of eligible recipients created a special class of citizen – one who held the privilege of receiving publicly funded grain while his or her peers did not. This distinction divided and infantilised a previously active urban *plebs* and enabled one man to monopolize not only the patronage of the privileged group but to claim that it represented the Roman People as a whole.

## Introduction

The reputation that Julius Caesar enjoys in contemporary public consciousness is far from that of an autocrat who eroded an electoral Republic. Rather than equating him to a military dictator, most think of him as Rome's "first emperor", an impressive general and friend of the people whose name can be used to evoke the idea of ancient Rome. Despite good evidence from Caesar himself, the general public of today are often surprised to learn that reputable commentators have cast some of Caesar's actions as genocide and are reluctant to accept this version of the narrative.<sup>1</sup> They are more likely to have encountered the book produced for Britain's national curriculum and sold around the world in which Caesar's Gallic campaigns are detailed in a chapter entitled "Glory Abroad", and are described as an opportunity to "make another

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<sup>1</sup> Badian (2012), Morrell (2015), Raaflaub (2021), Taylor (2023) consider the aggression and destructiveness of Caesar's actions in Gaul. Even in undergraduate courses I have met resistance from students to the idea of a genocidal Caesar.

fortune and demonstrate his skills as a brilliant military leader”.<sup>2</sup> This type of work does not encourage impressionable young readers to reflect on the fact that these actions today would be considered war crimes. And young readers sometimes grow up to be academics, dramaturgs, artists, and performers.

Caesar’s status as “most famous Roman”, his alleged “sympathy for the people”, and his dramatic assassination continue to capture the popular and the scholarly imagination.<sup>3</sup> From the middle ages he has been thought of as “Rome’s first emperor”. Canfora and Wyke have both examined the extent that he is a hero to both communists and fascist in Italy.<sup>4</sup> Centuries of misconceptions feed into Caesar’s current reputation and have helped to largely acquit him of any possible responsibility for the rise of authoritarianism in Rome. Not everyone agrees of course. Shakespeare created an ambivalent character and America’s founding fathers were very concerned about the possibility of a “Caesar” undermining their new state.<sup>5</sup> In general, however, popularity usually wins. The emphasis on more inclusive democratic election since the 20<sup>th</sup> century has produced a new justification for Caesar’s actions; even if he did usurp a Republic, he did so in the interests of the people who were neglected by the previous regime. Still, it remains difficult to reconcile Caesar’s popularity, both ancient and modern, with the erosion of popular rights that coincided with his domination of Roman politics.

Caesar does not resemble the severe autocratic dictators of the modern world, and thus it is hard to draw comparisons to “popular autocrats”. As the introduction to this volume outlines, comparison between Rome’s transition into autocracy and Levitsky and Way’s description of post-Soviet regimes is not simple.<sup>6</sup> Keane’s identification of the practices of modern “new despots” offers some insights.<sup>7</sup> He argues that the leaders of states such as Brazil, Singapore, and Turkey do not use openly coercive authoritarian practices, but instead reveal themselves to be “masters of deception and seduction” who “manage—using a combination of slick means, including election vic-

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2 Firth (2007) 30–31. C.f. 24 “He became governor of Spain, led an army against bandits who were terrorizing the country and somehow managed to make money in the process”. This is not an isolated case. Medina (2014) – another popular educational text – takes a similar line. The burning of Gallic villages is presented as a clever military tactic.

3 Flowers are still regularly left at the site of his cremation, while on the opposite side of the world his image is such that Kasey Chambers, a country musician from rural Australia, wrote in her song “Pompeii” that “Caesar died for the working man”.

4 Canfora (2009); Wyke (2009).

5 His popularity with the people is prominent even in more critical receptions. Shakespeare claimed that Caesar “sits high in all the people’s hearts” (Julius Caesar, Act I Scene III), while popularity with the people was the basis for concern in America. On the history of Caesar’s reputation and his impact see Baehr (1998) and Cole (2009) on the thinking of America’s founding fathers.

6 See the introduction to this volume and Levitsky and Way (2010).

7 Keane (2020). For further discussion of this text in relation to the Roman Republic, see also the contribution of Hillard and Beness.

tories—to win the loyalty of the ruled”.<sup>8</sup> Significantly, Keane argues that these systems rely on patronage—an important feature of the Rome system—and “dispense government resources to win the loyalty of their client subjects”, just as Caesar would do with Rome’s grain distributions.<sup>9</sup>

Prior to 123 BCE, grain was distributed to the people in times of shortage or surplus, but without a system determining consistent amounts, timing, or price.<sup>10</sup> As tribune, C. Sempronius Gracchus legislated to introduce regular distributions of subsidised grain (*frumentationes*).<sup>11</sup> While controversial, the monthly receipt of grain quickly became a privilege of Roman citizenship and further laws which modified the scheme soon followed.<sup>12</sup> In 103 L. Appuleius Saturninus failed in his attempt to lower the price. M. Octavius and M. Livius Drusus respectively reduced and expanded the program during the 90s. As dictator L. Cornelius Sulla apparently abolished the *frumentationes* entirely, but they were quickly reintroduced, first by M. Aemilius Lepidus in 78 and then by M. Terentius Varro Lucullus and C. Cassius Longinus in 73.<sup>13</sup> None of the accounts of these laws give a precise definition of who was entitled to the grain – the recipients are designated by the all-encompassing terms *plebs* and *populus*.<sup>14</sup>

Despite this ambiguity, numbers had to have been restricted by imposing particular criteria with proposed options including free birth, an address in Rome, or being classed as *sui iuris*.<sup>15</sup> It is generally accepted, for example, that in 70 only a small fraction of the population qualified.<sup>16</sup> In 62, M. Porcius Cato legislated to broaden the base of eligibility most probably by including a previously excluded category – the sources do not allow definitive identification. What is clear is the absence of an upper limit. All eligible citizens had a right to their share of state-subsidised grain. In 58, P. Clodius Pulcher abolished the Gracchan price, making the distributions completely free of charge. This was closely followed by the establishment of a special commission in 57 awarded to Cn. Pompeius Magnus, in which, as part of his role Pompeius is recorded to have administered recent enrolments.<sup>17</sup>

8 Keane (2020) 14.

9 Keane (2020) 37–38.

10 The wording is non-specific, with *populo datavit*, *discripserunt*, or *diviserunt* being used to describe the practice and its recipients (Livy 30.26; 31.4; 31.50; 33.42; Plin. *HN* 34.20).

11 See Rickman (1980); Viriouvét (1985); Garnsey (1988); Pina Polo (2021).

12 Flor. 2.1; Sall. *Hist.* 1.55.11 M.

13 On Lepidus and the Seventies, see also the chapter by Tatum in this volume.

14 The words to refer to the recipients after the Gracchan law are most commonly *plebs/plebes* and *populus*, while *viritim* is sometimes employed in place of a collective noun. In Greek texts πένης, δημότης, and πολίταις are used.

15 Brunt (1971) 379; Viriouvét (1994) 21.

16 Rickman (1980) 166; Garnsey (1988) 212; Viriouvét (1994) 21.

17 Cass. Dio. 39.24.

By 46, the number of recipients was quoted at 320,000. In this year, Gaius Julius Caesar conducted his *recensus*. It took place sometime in the months between the triumph *ex Africa* over Juba and his Roman allies and before Caesar's departure to fight his opponents led by Gnaeus and Sextus Pompeius in Hispania Ulterior.<sup>18</sup> The details are sparse, but Plutarch, Suetonius, and Livy's epitomator agree that the *recensus* left only 150,000 recipients on the list. Dio says only that the lists were halved. Appian, reading *recensus* for *census*, thought that the entire population of Rome had been halved. Only Suetonius provides detail of what the *recensus* entailed. The figure was a *numerus clausus*; eligibility was determined by forming the list based on information from landlords, verified by house-to-house inspections. Any ensuing vacancies were to be filled by sortition of those who qualified but were not enrolled. This system represents a departure from anything that had preceded it.

In 57, Pompeius gained unprecedented powers as *curator* of Rome's food supply, a role which Augustus later emulated in 22.<sup>19</sup> Caesar did not want this task. In fact, rather than relishing or exploiting the opportunity, Cicero anticipated that Caesar would be annoyed with the Pompeian evacuation of Rome because it would leave him responsible for sourcing grain for the remaining residents.<sup>20</sup> The task of provisioning Rome was something of a double-edged sword. During Saturninus' quaestorship, control over this role was removed from him and given to the more senior M. Aemilius Scaurus, *princeps senatus*, much to Saturninus' disgrace and chagrin.<sup>21</sup> By contrast, as Vervaeke has shown, Pompeius' commission of 57 granted him new powers beyond the scope of any previous commission.<sup>22</sup> Fear of the potential of this role was clearly shown in 44 when the senate voted that no one person should be given charge of the food supply, concerned over how it might be exploited.<sup>23</sup> However, the task had also left Pompeius open to criticism, as any fluctuation in supply could be directly attributed to him, an opening which Clodius exploited well.<sup>24</sup> Similarly, M. Antonius apparently attempted to take advantage of the perils that the responsibility for Rome's supply entailed in 44 by ensuring Brutus and Cassius were unwillingly assigned to a grain commission. He probably hoped they would suffer similar attacks to their popularity.<sup>25</sup> Even Augustus only took on the role once he had acquired the province of Egypt and had access to so much grain that he could personally top up the city supply from his own stores.<sup>26</sup>

18 Livy *Per.* 115; Plut. *Caes.* 55.3; App. *B Civ.* 2.102; Suet. *Iul.* 41.3; Cass. Dio. 43.21.3–4.

19 *Res Gestae* 5. On the issue of Augustus' actions, see also the contribution of Ronald T. Ridley.

20 Cic. *Att.* 9.9 [176].

21 Cic. *Har. resp.* 43; *Sest.* 39.

22 Vervaeke (2020) 155–167.

23 Cass. Dio. 46.39; Vervaeke (2020) 169–170.

24 Cic. *QFr.* 2.3.2 [7].

25 Cic. *Att.* 15.11 [389]; 15.12 [390]; from 14.3 [357] it is possible that Antonius was exacerbating the need for a commission by saving grain for his own allies at the time.

26 *Res Gestae* 5; 18.

Caesar bypassed this role entirely. His actions were instead unique and deserve closer scrutiny than they have received. In 46 he was dictator for the third time. He was a *popularis* by reputation and the people's hero in much of the commentary that followed. He had already gained extraordinary powers, so a grain commission would leave him vulnerable to criticism without affording much of value. Limiting the number of eligible grain recipients is not what one would have expected from a *popularis*. Despite the best efforts of scholars to deny it, this level of control over citizens reveals the less palatable side of Caesar's administration of the city and the incipient authoritarianism of his dictatorial powers.

## Caesar the “*Popularis*” and the *Frumentationes*

Fezzi is one of few commentators to treat Caesar's law as an intentional reduction in the number of recipients.<sup>27</sup> Garnsey describes the cull as “draconian”. Mouritsen and Pina Polo also note the incongruity between Caesar's action and his reputation.<sup>28</sup> Morstein-Marx adds the abolition of the *collegia* to the *recensus* in offering a picture of Caesar as an “anti-Clodius”.<sup>29</sup>

Most other commentators either avoid the issue or attempt to excuse Caesar for slashing the number of eligible recipients. Fuller, for example, covers the *recensus* in one sentence in which Caesar is praised for reducing the “gratuitous” amount of grain given to “paupers”.<sup>30</sup> Meier is also brief. The *recensus* is simply an element in Caesar's “comprehensive social program”.<sup>31</sup> Tatum passes over the grain reform except to state that Caesar was so popular “he could introduce a means test to the dole without risk of unpopularity”.<sup>32</sup> Yavetz asserts that “the actions to decrease the number of corn recipients cannot be seen as a move against the city plebs”.<sup>33</sup> He then questions the reliability of the figures in order to argue that the law probably had little impact. Canfora confusingly says the *lex Clodia frumentaria* of 58, was “designed to mesh” with Caesar's policies but later asserts the *recensus* was intended to counteract “arbitrary

27 Fezzi (2009) 46–64 shows that grain and land distributions represent a policy disagreement. The former encouraged people to stay in the city and the latter removed them. Clodius famously made the grain distributions free, whilst simultaneously threatening Caesar's land distributions.

28 Garnsey (1988) 217; Mouritsen (2017) 114, 128; Pina Polo (2021) 158.

29 Morstein-Marx (2021) 528–530.

30 Fuller (1965) 285–286.

31 Meier (1995) 447.

32 Tatum (2008) 166–167.

33 Yavetz (1983) 158, Jehne (1987) 304, shows that a reduction of this magnitude due to the wars is highly unlikely.

acts” introduced by the very same Clodian grain law he believes would have appealed to Caesar.<sup>34</sup>

Wiseman claims Caesar’s *recensus* was designed solely to “discover exactly who was entitled to receive the subsidised grain ration”, before implying that new colonies would aid some of those removed.<sup>35</sup> Hopkins and Billows state without qualification that the colonies were populated with excluded recipients.<sup>36</sup> Frank, Gelzer, Garland and Kamm make the same assumption, with Frank calling 80,000 “over half” of the 170,000 and Garland quoting 300,000 and 160,000 as the relevant before and after numbers when 320,000 and 150,000 are firmly attested.<sup>37</sup> Jehne likewise sees the colonisation program as compensation, but at least recognises that many people must have been overlooked in both cases, and, moreover, that it is impossible to know the background of the colonists who might not even have come from Rome.<sup>38</sup> Viriouvét acknowledges the magnitude of the reduction, but because she views the distributions from their incarnation as one half of a failed Gracchan program, she reads the failure of the land distribution program as leading to an unanticipated growth of urban recipients resulting in a list greatly in need of limitation to be sustainable.<sup>39</sup> In fact, 80,000 potential colonists represent well under half the number given for those affected and the impact increases when families of excluded recipients are taken into consideration. Garnsey was right to call the measure “draconian”.

Even when scholars acknowledge the impact of the law, they introduce mitigating factors that are largely surmise. Goldsworthy claims that “some of those taken from the list are likely to have found work and a wage in Caesar’s continuing and massive building projects”.<sup>40</sup> Stevenson echoes this sentiment, writing that “Caesar’s public works would have provided employment for laborers in Rome and Italy, and thus would have helped to offset the effects of limiting the grain dole and abolishing the *collegia*”.<sup>41</sup> Such statements are pure guesswork. They also rely on the ability of these workers to perform hard manual labour without the admittedly limited (but still significant) assistance that the *frumentationes* would have once provided.

34 Canfora (2007) 85; 278. It is not clear what is meant by “arbitrary acts”, nor why the Clodius’ early laws of 58 should be thought of as Caesarian, when Caesar cut back both the distributions and the *collegia*.

35 Wiseman (2016) 98–99.

36 Hopkins (1978) 96 “reduced to 150,000 by Julius Caesar who organised emigration to the provinces and a careful block by block registration of those qualified”; Billows (2009) 242: “removing from the list men who had no real need for free grain from the state, but above all thanks to his colonization programme, which saw upwards of 80,000 citizens transferred to colonies”.

37 Frank (1933–1940) 330; Gelzer (1968) 83; Garland (2003) 56; Kamm (2006) 134.

38 Jehne (1987) 296; 304–305; (1997) 110.

39 Viriouvét (1989) 229, 233; (1994) 23, 29.

40 Goldsworthy (2006) 478.

41 Stevenson (2015) 144.

There is also no ancient evidence for a means test. The belief that there was perhaps comes from reading a reference to the *capite censi* (those counted by head), the lowest (and thus poorest) property class, into the comments of Livy's epitomator, who says "*censa sunt civium capita CL*" (those counted were 150,000 heads of the citizens).<sup>42</sup> However, the phrase "*censa sunt civium capita*" appears 25 times in the *Periochae* alone, usually describing a census of the entire citizen body.<sup>43</sup> Neither can the decision to count tenants by head in apartment buildings given in Suetonius' account be taken to indicate selection by wealth, given that the bulk of Rome's urban population lived in *insulae*. If Caesar had wanted to separate groups by wealth, using the census categories which already defined the poorest Romans would have made more sense than his novel approach. Moreover, the procedure for replacement specifically states that the praetors were to add new recipients by lot, not by need.<sup>44</sup> This detail alone must rule out the possibility that Caesar's law sought to alleviate the situation of Rome's poorest citizens.

In 44, over a year after the *recensus*, Caesar introduced two new aediles, designated *Ceriales*, whose role was specifically linked to the administration of the grain supply. He also apparently planned to improve Rome's shipping infrastructure by building a harbour at Ostia that would allow better access to Rome.<sup>45</sup> Plutarch includes these among the projects unfinished at the time of Caesar's death. Rickman states that Caesar "pointed the way to the imperial future where strong central government might successfully control numbers, create a more effective administrative machinery, and harness sufficient resources to undertake major building schemes".<sup>46</sup> Virlouvét argues that such reforms were meant to improve commercial access to grain and would thus reduce the impact of the *recensus* since the distributions would become less important as Caesar shifted focus from the *frumentationes* to the *annona* (city food supply).<sup>47</sup> Garland similarly highlights "the building of a large artificial harbour at Rome's port of Ostia to facilitate super-cargoes carrying grain" among those improvements that were cut short at the time of Caesar's death.<sup>48</sup> However, the new aediles were not introduced until over a year after the *recensus*, too late to help those who had been removed, while Suetonius, who was in a good position to know, reports that even before his death Caesar had given up on the Ostian project due to its difficulty. A new harbour was not attempted before Claudius' principate and not achieved

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<sup>42</sup> Livy *Per.* 115.

<sup>43</sup> Lo Cascio (2016) 161–162; with references in Toynbee (1965) I, 438–440.

<sup>44</sup> Suet. *Iul.* 41.3: *quotannis in demortuorum locum ex iis, qui recensui non essent, subsortitio a praetore fieret* "annually, to fill the places of the deceased, a re-drawing of replacements by lot was to be conducted by the praetor from those who had not been previously registered".

<sup>45</sup> Cass. Dio. 43.51.3; Suet. *Cl.* 20.1; Plut. *Caes.* 58; Billows (2009) 241–242.

<sup>46</sup> Rickman (1980) 59–60.

<sup>47</sup> Virlouvét (1994) 29.

<sup>48</sup> Garland (2003) 56.

effectively until the time of Trajan. Caesar's other reforms did not mitigate the effects of the *recensus* and were clearly not intended to. Instead, the *recensus* must be examined in its own right.

## The Rising Urban Population, the “Lazy Poor”, and the ‘Necessity’ of Caesar’s Grain Reforms

Most explanations treat the *recensus* as necessary. They believe it solved a serious problem plaguing Rome: the continually growing list of grain recipients. Caesar as a careful administrator *had* to withdraw this privilege from a large number of people, but moderated the impact through colonial programs, work opportunities, and a better-run commercially available food supply.

The most troubling attempts at justification suggest that Caesar authorised only the removal of the “unworthy”.<sup>49</sup> Parenti, for example, contends that Caesar was “riding the swollen lists of fraudulent recipients, including slaveholders who deliberately would “free” their workforce then present their slaves’ food bill to the state for reimbursement”. Gardner similarly labels all 170,000 removed as “fraudulent”.<sup>50</sup> Dio does say that some ineligible people had managed to enrol themselves under the cover of civil turbulence but his comment should not be taken to mean that anyone Caesar eliminated had to be ‘fraudulent’, too wealthy to require grain, or an informally manumitted slave whose enrolment benefited only greedy slave-owners.<sup>51</sup> The percentage of people removed is simply too large for that to be the likely case.

Aside from ‘fraudulent’ enrolments, citizen migration and manumission are the only practices that could account for a steady stream of new recipients. Migrants or the newly manumitted would still require food, whether it was provided to them for free or not, and the food riots of 75 and Pompeius’ *cura annonae* show that Rome’s leaders had increasingly been held responsible for securing this supply. Including them in the distributions might cost more, but Rome could clearly afford it, and refusing to spend money on the people does not fit a *popularis* image. Therefore, it is only increased migration *caused by the distributions* that can justify the *recensus*.

This common explanation is reiterated by Rickman when he describes the distributions as contributing to the “magnet attraction of Rome in Italy”.<sup>52</sup> In fact, only a few references can be cited as evidence that people migrated to Rome for the distribu-

<sup>49</sup> Parenti (2003) 150; 158 also refuses to allow comparison between Sulla’s repeal and Caesar’s *recensus* because it does not fit with his view of Caesar. Cf. previously cited comments of Wiseman and Fuller.

<sup>50</sup> Gardner (2009) 65.

<sup>51</sup> Cass. Dio. 43.21.4.

<sup>52</sup> Rickman (1980) 160, 174; Cf. Brunt (1974) 17; Jehne (1987) 306; Viriouvét (1994) 29.

tions and none of them say what Rickman wants them to say. Cicero might call grain recipients lazy people, but he never calls them lazy *migrants*.<sup>53</sup>

In setting the scene for his description of the Catilinarian conspiracy of 63, Sallust speaks of “young men, who had endured poverty through manual labour in the country, incited by private and public bribes (*largitiones*), preferred the leisure of the city to unpleasant work”.<sup>54</sup> *Largitiones* is seen as suggestive of the distributions, but Sallust's comment is anachronistic. In 62, Cato, as tribune, extended the *frumentationes* to a much larger group of people and in doing so managed to quell the civil unrest that followed the executions of the conspirators, but that was later. At the time of the conspiracy, the distributions were still limited and they cost money. It would have made no sense for anyone to move to the city in the hopes of receiving them. Sallust's use of the broad term *largitiones* along with inclusion of ‘private’ bribes suggests he is aware the distributions alone were not sufficiently enticing. Moreover, his characterisation of the city as providing “*otium*” for poor migrants is farcical and exposes his comments as rhetoric rather than reality.

Suetonius reports a comment from Augustus indicating that he considered abolishing the *frumentationes*.<sup>55</sup> He does not mention migration as a factor but rather contributes to the widespread commentary on the fashion for villas and foreign importation (rather than migration) as causing a decline in Italian agriculture.

In describing the efforts of Caesar's assassins to win over the Roman population in the hours/days after his death, Appian describes their audience as being contaminated by foreigners, slaves, and the worst of the Italian population: they are a crowd who can be hired or bribed, comprised of idle, impoverished, and impulsive actors (ταχυεργός) attracted from all Italy to Rome by “the allowance of grain”.<sup>56</sup> The groups that Appian references – freedmen and outsiders with citizen rights – are the two groups most commonly suggested to have become eligible by means of Cato's law. In this case, ‘hiring’ the people is expressly (if obliquely) linked to grain. Appian's account of the assassination is consistently unfriendly to the assassins and his use of these stereotypes about the *plebs urbana* to tarnish them needs to be assessed in that context. There might be more to it. It is just possible that this hostile description also masks an immediate proposal to repeal the *recensus* and that the repeal followed soon after. The assassins, many of them related to and emulators of Cato, might

<sup>53</sup> Cic. *Sest.* 103.

<sup>54</sup> Sall. *Cat.* 37.7: *Praeterea iuventus, quae in agris manuum mercede inopiam toleraverat, privatis atque publicis largitionibus excita urbanum otium ingrato labori praetulerat.* “In addition, young men, who had endured poverty through manual labour in the country, incited by private and public bribes, preferred the leisure of the city to unpleasant work”. On the issue of Sallust's popular critiques see also the contribution of Tim Elliot.

<sup>55</sup> Suet. *Aug.* 42.3; Varro. *Rust.* 2.pr.3 is also used as evidence of migration for grain, but it is circuses and the importation of grain, not *frumentationes* specifically that are discussed, and is consistent with the preference for traditional Italian agriculture throughout the work.

<sup>56</sup> App. *B Civ.* 2.120. Many thanks to Tamara Neal for assistance with ταχυεργόν.

well have hoped to gain some of the popularity he attained in 62. Brutus and Cassius' albeit unpopular appointment to a grain commission, and the appearance of a *modius* – a clear numismatic reference to measures of wheat – on a coin of Brutus offers another hint that grain was more important to them than we are told.<sup>57</sup> We know Caesar's law did not outlast him. As already discussed, Augustus reported much higher numbers of recipients than were legislated by Caesar.<sup>58</sup> In any case, the link between migration, a "lazy" urban *plebs*, and the *frumentationes*, does not stand in the face of careful scrutiny.

Ancient comments linking migration to grain distributions are rare and problematic. In each instance, their specific settings do not support a generalised and ongoing situation. So how did the trope of untold numbers coming to Rome for free food become so widely entrenched? In his *Römische Geschichte* of 1856, Mommsen, famous not only for his exaggerated admiration for Caesar, but also for his belief that his "monarchy" was also necessary, is scathing in his assessment of all who sponsored grain distributions, and Gaius Gracchus in particular. He claims that the Gracchan law "could not but attract to Rome the whole mass of the burgess-proletariate" and that Gracchus "intentionally reared up a street proletariate of the worst kind in the capital by his distributions of corn, which were designed to be, and became, a premium to all the lazy and hungry civic rabble".<sup>59</sup> Caesar stands apart for the *recensus* that "eliminated all individuals having means or otherwise provided for to 150,000", after which "places vacated by removal or death might be filled up with the most needful among the applicants".<sup>60</sup> Mommsen's Caesar deliberately diminished "that terrible civic proletariate flattered and paid by the classes above it" by limiting the distributions and by relocating "a very great portion (. . .) from the lower ranks of the population of the capital".<sup>61</sup> Thus, "the constant influx of persons brought by the cornlargesses to Rome was (. . .) restricted by the conversion of these largesses into a provision for the poor limited to a fixed number."<sup>62</sup>

Mommsen rejoiced in what he saw as Caesar's authority. Although much of what he claimed for Caesar has been rejected, scholars still hold the view that the system that people migrated in great numbers to Rome just to take advantage of the distributions and allowed at worst unworthy recipients to get more than they deserved, or at best an unsustainable situation that Caesar fixed. Some combine the construction with the narrative of smallholder displacement: "migrants" come to signify Italians who, having lost their land, are forced to move to the city and rely on subsidised

57 Cic. *Att.* 15.11 [389]; RRC 502/4.

58 *Res Gestae* 15.

59 Mommsen (1856–1857) II, 103, 114–115 (Dickson (1862–1866) II, 109, 120).

60 Mommsen (1856–1857) III, 486 (Dickson (1862–1866) V, 495).

61 Mommsen (1856–1857) II 115; III, 494 (Dickson (1862–1866) III, 122; IV 503).

62 Mommsen (1856–1857) II 115; III, 493–494 (Dickson (1862–1866) III, 122; IV 502–503).

grain. Such groups would have preferred land distributions.<sup>63</sup> This enabled Caesar's changes to be cast as humane as well as *necessary*.

Even after the reforms of Cato and Clodius, however, moving to the city in the hopes of collecting grain continued to represent a very risky situation. The distributions certainly helped but such migrants also needed money to pay for milling the grain and other types of food as well as rent. People might have migrated in the hope of better opportunities but are not likely to have done so solely for the *frumentationes*.

Like migration, the idea of colonies as a substitute for the *frumentationes* seems a reasonable solution if one ignores the likely fate of average member of the *plebs urbana* in a new colony. It has already been noted that even on the numbers this idea fails, but in addition the urban population were probably not going to make the best colonists. Even those who were employed in seasonal agricultural labour and thus had some farming experience would face losing other kinds of employment – shop-keeping, building, haulage, and specialised artisanal manufacturing are just some of the possibilities. Many of these jobs were specific to the largest city in the western Mediterranean and would not have been required in a new, much smaller, colonial setting. Colonists would have relinquished existing patronage relationships, networks, and employers, on which they called for help in times of difficulty.

Jewell argues that colonisation was never a desirable alternative to free grain, suggesting that Caesar's program might have been so well attended because the *recensus* left many people without their usual means of subsistence.<sup>64</sup> He also reads Caesar as less than benevolent in his intentions, citing Cicero as saying that Caesar intended to settle colonists somewhere other than had been originally proposed to them without revealing the location until they were safely overseas because "he liked to be popular".<sup>65</sup>

Finally, no ancient author actually says that Caesar intended his colonies to deal with the impact of the *recensus*. Only Suetonius juxtaposes the two issues, but his description offers no help. After recounting the procedure for enrolling new recipients, he mentions another law of Caesar designed to *maintain* the numbers that colonisation had cost the city, leading to the conclusion that one policy cannot have had anything to do with the other.<sup>66</sup>

Just how unsustainable was the system in place before 46? The theory of a continuous and unstable increase in recipients rests on the commonly accepted quantities of grain recipients calculated for particular years. These figures are also problematic. A number of 40,000 is usually quoted for distributions from 70 until Cato's law. Then a number of 110,000–150,000 from 62, and 300,000 in 56, reaching a peak of 320,000 in

<sup>63</sup> Frank (1933–1940) 330; Hopkins (1978) 67; Rickman (1980) 59; Jehne (1987) 306.

<sup>64</sup> Jewell (2019) 27.

<sup>65</sup> Cic. Att. 16.16A.3 [407A]: *erat enim popularis, ut noras*.

<sup>66</sup> Suet. Iul. 42.1–2; Cass. Dio. 50.3–4

46. However, the ancient sources supply only the two figures for 46 – 320,000 and 150,000 are given consistently as the number of recipients before and after Caesar's *recensus*.<sup>67</sup> The other figures calculated from analyses of disparate numerical references are used to demonstrate the alleged problematic increase from 62 onwards.

The figure of 40,000 is based on a comment in the *Verrines*, where Cicero claims that Verres forced a single Sicilian town to gift enough grain to supply the Roman *plebs* for almost (*propre*) a month.<sup>68</sup> He gives the quantity of grain as 33,000 *medimna*, yielding 39,600 recipients, which is rounded up to the familiar 40,000 to account for the 'almost'.<sup>69</sup> However, as Virlouvvet has already pointed out, this relies on the assumption that Cicero is not exaggerating how many people the grain could feed for rhetorical effect and she allows for up to 80,000 as within the realms of possibility.<sup>70</sup> The "*propre*" makes the figure far from exact, and given the rhetorical context, 40,000 is low.

The figure for 62 (110,000–150,000) is even more problematic. Firstly, Pelling has already shown that lower end of the range should be dismissed. Plutarch gives the same quantity of money as the cost of Cato's grain law in his life of Caesar and life of Cato, but in the *Caesar* he says explicitly that this is the *additional* cost of the *new* recipients, while in the *Cato* it must be understood from context.<sup>71</sup> In Cato's life he uses talents and in Caesar's he uses *drachmae*, but they work out to the same figure of 30,000,000 *sestertii*. Use of the lower figure requires a variant reading of the manuscript and a very imprecise conversion—7,500,000 *drachmae* (the higher in *Caesar*) are exactly 1250 talents (the figure given in the *Cato*) while 5,500,000 (the variant reading) is 916.7 talents. It is far more likely that Plutarch was looking at the same figure given in *sestertii* for each biography and converted it to talents for one and *drachmae* for the other.

The 150,000 figure of recipients is then calculated from the assumption that the average cost to the state of a *modius* handed out in the distributions was about 6 *sestertii*.<sup>72</sup> Prior to the Clodian law the state would recoup about a quarter of this figure—1.5 *sestertii* per *modius*. The figure of 6 *sestertii* as the cost to the state was first used by Brunt (as merely an example) and then more extensively by Rickman.<sup>73</sup> Previously, Frank employed the much lower cost of 4 *sestertii* per *modius*.<sup>74</sup> Virlouvvet also employs 4 *sestertii* as her estimated cost, but she adds one sixth to the overall amount

<sup>67</sup> Plut. *Caes.* 55.3; App. *B Civ.* 2.102; Suet. *Iul.* 41.3; Cass. Dio. 43.21.3–4.

<sup>68</sup> Cic. *Verr.* 2.3.72.

<sup>69</sup> 33,000 *medimna* = 198,000 *modii*  $\approx$  monthly supply for 39,600 people receiving 5 *modii* each.

<sup>70</sup> Virlouvvet (1994) 20.

<sup>71</sup> Pelling (1989) 119.

<sup>72</sup>  $30,000,000 \div 5$  (*modii*)  $\div 12$  (months)  $\div 4.5$  (6 *sestertii* – 1.5).

<sup>73</sup> Brunt (1976) 379; Rickman (1980) 170–171.

<sup>74</sup> Frank (1933–1940) 329–330.

to account for shipping.<sup>75</sup> These numbers are to some degree arbitrary. As Rickman himself acknowledges “the whole thing becomes a game with only one dangerous result, the delusion of certainty”.<sup>76</sup> Elsewhere he posits that the average market price in Rome could have been as high as 4 *sestertii* per *modius* in the late Republic, and 5 or 6 during the end of the Republic and early empire.<sup>77</sup> Therefore, the cost of 6 *sestertii* per *modius* would imply that the state was paying the same amount (or perhaps even more) than the average consumer in Rome. While this is not impossible, it would require a very favourable deal for the tax collector, given it is a hefty mark up on grain otherwise acquired by the state for free. Rickman’s estimate of the cost is thus rather high.

A precise figure for what the Roman state paid for grain is quoted in the *Verrines*.<sup>78</sup> Rome received a tenth of the Sicilian harvest as tax (around 3 million *modii*), then were buying another tenth at 3 *sestertii* per *modius*, and then another 800,000 *modii* at 3.5 *sestertii* per *modius*. This leaves an average of 1.7 *sestertii* per *modius* for Sicilian grain.<sup>79</sup> The situation in Sardinia, and possibly Africa too, was probably quite similar. The army would need some of this grain, but if Brunt’s figures are to be trusted the requirements of the army had not changed much since the 160s, while Rome had continued to acquire more territories to tax.<sup>80</sup>

Rickman also largely ignores Italian grain in his calculations—an omission which was criticised by De Neeve in his 1985 review.<sup>81</sup> Italian grain might have cost more than his 3 *sestertii* per *modius* estimate elsewhere in the Mediterranean, but the much smaller travel distance (especially from the area around Campania which was very fertile and had a long history of supplying Rome) would probably lead to costs below 6 *sestertii* per *modius*.<sup>82</sup> Similarly, supplies were clearly being shipped down the Tiber from land above Rome since the Marians in 87 felt the need to barricade the river on both sides of the city to stop grain (σιταγωγία) being imported.<sup>83</sup>

Finally, the figure of 300,000 in 56 should be re-assessed entirely. It is based on two pieces of information. The first detail is that Cicero claims that Clodius, by his remission of the Gracchan price, cost the state “almost” one fifth of its revenues.<sup>84</sup> Second, Plutarch claims that prior to Pompeius’ eastern settlement the state revenues

<sup>75</sup> Virlouvét (1994) 22.

<sup>76</sup> Rickman (1980) 170.

<sup>77</sup> Rickman (1980) 154.

<sup>78</sup> Cic. *Verr.* 2.3.163.

<sup>79</sup> The *lex Terentia Cassia* assumed an average annual harvest 30,000,000 *modii* in Sicily and Verres was given 120,000,000 yearly to pay for these purchases. Rickman (1980) 105.

<sup>80</sup> Brunt (1976) 424, 449.

<sup>81</sup> De Neeve (1985) 445–447.

<sup>82</sup> Erdkamp (1998) 92 n 24.

<sup>83</sup> App. *B Civ.* 1.67; Polyb. 2.15 shows grain in the Po River valley was priced as low as 1 *as* per *modius*; 34.8 gives 1.5 *sestertii* per *modius* in Lusitania.

<sup>84</sup> Cic. *Sest.* 55.

were 50,000,000 *drachmae* (200,000,000 *sestertii*) and after his settlement they were 85,000,000 *drachmae* (340,000,000 *sestertii*).<sup>85</sup> However, once again there is uncertainty over whether the figures should be added to give 540,000,000 as the total revenues, or if 340,000,000 is the full income of the state, as the Greek is ambiguous. Tan has demonstrated that the higher figure is not defensible, working backwards from the more reliable imperial income figures, and removing Augustan taxation revenues to show that in 61 the total income cannot have been higher than 340,000,000.<sup>86</sup> He claims that a “low reading of Pompey’s figures” already “provides a generous ceiling for Republican revenues”, and suggests that Pompeius might have even “used an inflated figure for his new revenues”.<sup>87</sup> Problematically, Rickman’s 300,000, which is most commonly cited, is based on the higher number, while Frank and Virlouvet use the lower, coming to 266,000 and 246,000 respectively each using their own estimates of the cost to the state of the grain.<sup>88</sup>

However, there is another issue with all these calculations. They all assume that the loss of “one-fifth of the revenues” that Cicero attributes to Clodius’ law represents the total cost of the distributions after 58, not just the additional burden created by Clodius’ reform.<sup>89</sup> As Frank claims: “these words mean, of course, not that the Clodian law alone cost one-fifth of the revenues, but that, after this law was passed, the dole cost one-fifth of the 80,000,000 *denarii*” (the total revenues).<sup>90</sup> This cannot be right. Given how heavily subsidised the grain already was, even assuming a low cost to the state of around 3 *sestertii* per *modius* would mean Clodius’ law could have accounted for at most only half the cost of the *frumentationes* in 58. Thus, Cicero could not have plausibly blamed Clodius for the whole amount when the abolition of payment only accounted for a fraction of the total cost of the program. Partially solving this problem is another assumption: that Clodius’ law significantly increased the number of recipients. This is also unlikely. In one of his most hostile speeches, Cicero’s criticism of Clodius’ grain law only targets the revenues. It would have been easy and effective to parrot the established rhetorical tradition against the *plebs frumentaria* – that the law encouraged the liberation of slaves for grain, especially considering Pompeius’ ongoing work dealing with this exact phenomenon but Cicero refrained from this argu-

<sup>85</sup> Plut. *Pomp.* 45.3.

<sup>86</sup> Tan (2017) 16–19.

<sup>87</sup> Tan (2017) 16.

<sup>88</sup> Rickman’s calculation is  $540,000,000 \div 5$  (from Cicero). Then  $108,000,000 \div 5$  (*modii*)  $\div 12$  (months)  $\div 6$  (proposed cost to the state) = 300,000 recipients. If Rickman’s method is retained, but 340,000,000 is used instead this calculation yields the improbably low figure of 188,889.

<sup>89</sup> Cic. *Sest.* 55: *ut remissis senis et trientibus quinta prope pars vectigalium tolleretur* “that by remission of the six and one-third asses the revenues should be diminished by nearly a fifth”.

<sup>90</sup> Frank (1933–1940) 329–330. Frank (1933–1940) 324 uses 80,000,000 *denarii* as the total revenue of Rome from 60–50 instead of Plutarch’s 85,000,000 *drachmae*, assuming that tax income reduced with the repeal of customs dues.

ment.<sup>91</sup> He had to, as Clodius' law did not allow new groups to register. Instead, Cato's did, and it was Cato's law that was responsible for the increase.<sup>92</sup>

What Cicero could and did criticise the abolition of payment. That is quite specifically what he says in the speech "*ut remissis senis et trientibus quinta prope pars vectigalium tolleretur*": the remission of the six and one-third *asses* is explicitly mentioned as the cause of the cost. This is deliberate, as in March 56 he still hoped for Cato's support repealing Clodius' legislation.<sup>93</sup> The money Clodius cost the state is the money the recipients had previously paid per *modius*: 1.58 *sestertii* (or 8 *sestertii* per 5 *modii*). This would suggest 708,333 recipients. Of course, this figure is far too high, but if allowance is made for Cicero's '*prope*' doing some heavy lifting (Virlovvet previously posited up to twice the amount for the same word appearing in the Verrines) and a little exaggeration from Pompeius in the revenues he added in 61, the recipient numbers could quite reasonably be around half this number—somewhere in the mid 300,000s.<sup>94</sup>

When some of these adjustments are made there is no longer a clear steady increase. If the figure from 70 is raised from 40,000 to 60,000, (a point halfway between Virlovvet's proposed 40,000–80,000) and 5 rather than 6 *sestertii* per *modius* is used as the cost to the state, then the distributions would, in the first year after Cato's law, reach a total of 200,000 people. At 4 *sestertii* (more likely, considering 1.7 was the cost of Sicilian grain at the source) it comes to 260,000. Interestingly, 3.5 *sestertii* gives 310,000.

After Clodius' law, recipient numbers might have then risen to perhaps 350,000 in 56 before *reducing* to the 320,000 found by Caesar. A decline, rather than an increase fits better with Pompeius' work as *curator annonae*, where he must have ensured only eligible citizens were included on the lists he drew up in his role.<sup>95</sup>

91 Cass. Dio. 39.24.

92 Rising (2019) 191–194.

93 Morrell (2018) 193–194.

94 Cass. Dio. 43.21; Virlovvet (1994) 22–23 rules out any number over 320,000 arguing that this figure is presented in the texts on Caesar's law as a maximum but of the only two authors who give the figure Suetonius does not comment on the size at all, while Dio only says that Caesar investigated a large unlawful increase (ἐπαυξηθέντος).

95 Cass. Dio 39.24. There is some possibility Clodius had been overly liberal with the registration of freedmen, allowing people who were still essentially enslaved to be enrolled. Nicolet (1976) 44–48 discusses Clodius' destruction of the recipient lists; Tatum (1999) 124–125 suggests Clodius had instead employed the *collegia* to organise grain distribution, presumably with own means of verification. It is usually assumed that the only freedmen who were formally allowed to receive grain were *liberti optimo iure* and the problems of these varying statuses are considered in the discussion section of Virlovvet (1991) 63–65 cf. Virlovvet (1995) 200, 215, 221–227; Tatum (1999) 238–239 discusses the possibility of a Clodian law proposed for 52 that would eliminate any discrepancies in status but he was killed before it could be put to the people.

The new recipients could be added quite quickly, but it would not be surprising if it took a few years for them all to be registered and, as Pompeius found, there had been a large number of manumissions. Additionally, if it was easier to be added to the lists, people living in the areas around Rome would probably start commuting into the city once a month to take advantage of the privilege. Cicero reports that the builders working on his villa at Tusculum left to make the trip to Rome for grain in April of 44.<sup>96</sup> Importantly, all the elements that drove up the membership lists after the law of 62 would eventually stabilise. There was not an unlimited number of slaves waiting to be liberated within Rome, and it would be neither practical nor economical for people to commute for much more than a day in order to collect a monthly grain allocation from Rome.

This new reconstruction would suggest that the only real increase took place under Cato's law, and that the number of recipients remained in the low 300,000s for around a decade if not longer. Like the other reconstructions, it should not be taken as established truth. Rickman's sensible warning against the "delusion of certainty" created by proposing numbers has not been sufficiently heeded, and his guesses are often presented as fact.<sup>97</sup> At very least, though, this reconstruction demonstrates that the case for a dangerous increase in recipient numbers cannot be supported by numerical evidence – the figures for 70, 62, and 56 are far too uncertain.

Better comparative evidence is found in the years after Caesar's law. In 29 Augustus, by his own account, was already distributing to over 250,000 people and by 5 BCE it was once again 320,000. By 5 BCE, the *plebs frumentaria* had returned to pre-Caesarian numbers.<sup>98</sup> A figure between the high 200,000s and low 300,000s probably represents the total number of eligible citizens during the late Republic who could feasibly live in or close enough to Rome to participate in the distributions in any given year.

## The Purpose of Caesar's Grain Reforms

The *recensus* was clearly not necessitated by a shortage of supply. The distributions had been running since Pompeius' *cura annonae* without notable issues, and Caesar boasted on his return that he would add an additional 1,200,000 *modii* to the revenues as a tax from the newly minted province of *Africa Nova*.<sup>99</sup> He had also increased Sardinia's tax in kind from a tenth of their harvest to an eighth, so the total quantity of

<sup>96</sup> Cic. *Att.* 14.3 [357].

<sup>97</sup> Rickman (1980) 170; Billows (2009) 242.

<sup>98</sup> *Res Gestae* 15.

<sup>99</sup> Plut. *Caes.* 55: This additional amount per year would be enough to supply an additional 20,000 people.

grain that Rome had access to was only increasing.<sup>100</sup> Scarcity was not the issue and instead, Caesar's reasoning must be found elsewhere.

The evidence for who was actually removed from (or perhaps more importantly who was preserved in) Caesar's *recensus* is slim and contested. The favoured categories for exclusion include those without Roman *domicilium* and freedmen – the groups usually suggested to have been added by Cato's law.<sup>101</sup> The references to grain included in the *Tabula Heracleensis* have been brought to bear on the issue, although as Rickman states, they are only tangentially relevant.<sup>102</sup> The tablet was found in the city of Heraclea in Southern Italy and displays the five sections of a Roman law. The first contains the end of a regulation which obliges particular individuals to register with a magistrate. These people were excluded from the *frumentationes* and their names were to be prominently posted at the site of distributions. Because the *tabula* elsewhere has been linked to Caesarian laws, this is sometimes taken to indicate the group who was eliminated from Caesar's distributions. Since they appear to be landowners, it is often suggested that the *professores* were the landlords who Caesar consulted in order to conduct the *recensus*.<sup>103</sup> However, Caesar removed 170,000 people from the *frumentationes* and there cannot have been that many landlords in Rome. Moreover, publishing 170,000 names of excluded people in the location where grain was to be handed out – another stipulation of the Heracleian law – would be highly impractical. Excluding landlords might grant the *plebs urbana* an exclusive privilege not shared by the wealthier citizens of the city, but would not materially reduce the number of grain recipients. Giovannini instead recognises that the regulation dates to Heraclea's incorporation into the Roman state as a *municipium* – in other words, between 90 and 62 – and that its purpose was to exclude new (Italian) citizens from the grain allotments in Rome.<sup>104</sup>

Instead, Giovannini suggests that the *recensus* enforced a previously ignored *domicilium* requirement, since Caesar specifically established whether someone actually lived in Rome by directly speaking to landlords, ensuring they had not manufactured a Roman address.<sup>105</sup> Giovannini explains this by drawing a distinction between the location of one's business or residence for official purposes and their physical habitation within the city. Thus, he argues that people who had made a declaration stating that they lived in Rome, but were really resident elsewhere, account for those excluded. However, it is difficult to imagine that someone who spent enough time in Rome to collect grain monthly, but was able to retain Heraclea, for example, as their residence would have much need of subsidised grain. The walk between the cities

<sup>100</sup> Caes. *B. Afr.* 98.

<sup>101</sup> Brunt (1971) 379; Viriouvét (1994) 21–23.

<sup>102</sup> Rickman (1980) 177.

<sup>103</sup> Reid (1915) 218–219; Nicolet (1985) 24; Viriouvét (1995) 266; Lo Cascio (1997) 297.

<sup>104</sup> Giovannini (2004) 203–204.

<sup>105</sup> Giovannini (2004) 197–199.

was around sixteen days each way, and on a round trip a donkey, the smallest of possible pack animals, would require the equivalent of the full 5 *modii* in food, rendering the journey quite impractical for someone hoping to save money on their purchase of a staple food.<sup>106</sup> Anyone who was willing to queue with the thousands waiting for their monthly grain allowance must have lived close enough to Rome that this journey was worth making on a monthly basis, perhaps combined with the opportunity to buy or sell goods in the city – places like Ostia or the Alban Hills. A restriction to Roman *domicilium* would therefore mean the exclusion of a large number of people from surrounding areas who could reasonably walk to Rome to collect grain: people who mostly lived close enough to be affected by the shortages of the city.

None of these options fully solve the problem. Only 150,000 people could be on the lists. This meant that whatever other restrictions were applied, one freeborn citizen living in Rome could be eligible while their *libertinus* neighbour was not. People who had previously been of equal status would now have different rights. Jehne argues that the 150,000 must have included all those with proper claims, as the arbitrariness of one person being enrolled over another would be too unpopular.<sup>107</sup> Yet, the *numerus clausus*, and the lot to fill vacant places, meant arbitrary enrolment would become inevitable whether it was popular or not. Dividing citizens of equal status was an inherent part of the design.

The timing of the law in 46 was a significant factor. Plutarch and Dio place the *recensus* between Caesar's return from Africa and his departure for Spain. In mid-46 Caesar had four triumphs and so a lot of his own soldiers were in Rome. Many of Caesar's enemies, however, were elsewhere or still actively fighting him. Thus, a count of those domiciled in Rome in mid 46 would skew towards favouring Caesarian supporters – especially his veterans – even if there was no form of more deliberate preferential treatment for them, an idea that should not be discounted. The process allowed for careful inspection of each name, so certain people could easily have been added or excluded. The sortition for replacement would give the impression of fairness (and divine sanction) but allow for covert manipulation.

The *recensus* coincided with a number of Caesarian handouts and benefactions. When Caesar spoke to the people in 49, in addition to assuring them he would find grain for the city, he also promised 75 *drachmae* (300 *sestertii*) to each member of the Roman people (δῆμον).<sup>108</sup> In 46 he chose to deliver on this promise, and threw in another 100 *sestertii* on top, distributing 400 per person.<sup>109</sup> This munificence was planned in advance; on his return from Africa he picked up grain by imposing a fine

<sup>106</sup> Route time calculated with ORBIS: Scheidel and Meeks (2012); Cuvigny (2021) 344 discusses food requirements for donkeys.

<sup>107</sup> Jehne (1987) 307.

<sup>108</sup> Cass. Dio. 41.16.

<sup>109</sup> Cass. Dio. 43.21.

on Thysdra and 100,000 *sestertii* through a similar fine on Sulci.<sup>110</sup> It is unclear whether the money was distributed before or after the *recensus*. Plutarch's account implies it was prior but Dio suggests after.<sup>111</sup> Caesar also held a massive public banquet of 22,000 couches, which would be followed by a second banquet in 45 held in his own gardens.<sup>112</sup> D'Arms has suggested that in 45 Caesar gathered "the entire *plebs Romana* as he had reduced and redefined them, at his own property and on his own terms" while Marzano, building on this idea, suggests that the earlier banquet in 46 could also have accommodated the entire distribution list prior to the *recensus* as there was potentially enough space for 330,000 people.<sup>113</sup> This is also guesswork, but a link between those invited to the banquets and those on the lists is very possibly right. A list was needed and the estimated number is very close in both cases.

The use of recipient lists for handing out large sums of money would encourage registration far more than 5 *modii* of grain a month.<sup>114</sup> The *numerus clausus*, on the other hand, prevented new beneficiaries from accessing future generosity while still distributing largesse to a significant number. However, in appropriating and adjusting a list designed to deliver public entitlements to the *populus*, Caesar transformed it into a selective list of preferred citizens whom he could then call the *populus Romanus*. He could bestow gifts upon this registered and moderately sized group and still plausibly claim to have rewarded the whole Roman people. It is they who would have been the beneficiaries of his will.<sup>115</sup> Since they were required to have a Roman address, they could be relied on to show up swiftly in support of their patron whenever he required a crowd and their retention in the face of so many removals would have only added to their loyalty. Poor civilians who lived a little further from the city were less useful, as they would not have the same ability to display support for him.

The new *aediles Ceriales*, of which there is no further information beyond their creation, might have been intended to relieve pressure on the administration of grain for the city as a whole, or they might have been responsible only for the *frumentationes*. If the latter, then an office was created to maintain the privilege of the chosen group, but we do not know. It would certainly be reminiscent of a strategy of Keane's new despots, who he argues use patronage to maintain their positions. He claims this

<sup>110</sup> Caes. *B. Afr.* 98.

<sup>111</sup> Plut. *Caes.* 55.3: Μετὰ δὲ τὰς θεὰς γενομένων τιμῆσεων "After the spectacles, a census of the people was conducted"; Cass. Dio. 43.21.4: καὶ τοὺς γε ἡμίσεις ὁμοῦ τι αὐτῶν προαπήλειψε "he expunged (σπήλειψε) at least (γε) half (τοὺς ἡμίσεις) of them (αὐτῶν) in advance (προ)".

<sup>112</sup> Plut. *Caes.* 55; Cass. Dio. 43.42.1; Suet. *Iul.* 38. 2. Val. Max. 9.15.1; D'Arms (1998) 41–42; Marzano (2020) 103–105.

<sup>113</sup> D'Arms (1998) 41–42; Marzano (2020) 103–105 argues the banquet was an "opportunity to do something for those who were about to be removed for the corn dole list to counterbalance the unpopular reception."

<sup>114</sup> Suet. *Aug.* 42.

<sup>115</sup> Augustus was clearly distributing money to the same people who received grain as they are combined in one section of his account (*Res Gestae* 15).

is often achieved by appointing dedicated officers to take charge of dispensing resources and public contracts—functions that these new aediles would fulfil.<sup>116</sup> Caesar's plans for the Ostian harbour and Tiber route would definitely have benefitted all those resident in Rome, but they were unfulfilled and, according to Suetonius, abandoned.

For many years, Rome had had two reasons to acquire grain. The first was to supply the army, with the *frumentationes* for citizens coming second. Both drivers, among other demands, led to competition for the resources within the state and the Senate traditionally assigned these resources at the start of the year.<sup>117</sup> The distributions required a lot of grain and a lot of money. Ordinarily, in such a competition the army would win, but Caesar perhaps had reason to be wary. As Fezzi notes, his agrarian law had already lost to Pompeius' *cura annonae* in the resources competition, as the senate gave 40,000,000 *sestertii* to Pompeius while claiming they could not afford to help Caesar.<sup>118</sup> As dictator in sole control of Rome's finances, he was in a position to ensure this would not happen again.<sup>119</sup> With continuing issues with the Roman calendar considered, his departure to Spain in late 46 cannot have been long after the Italian harvest and by this time the sons of Pompeius had taken over much of fertile Hispania Ulterior. If Caesar wanted to ensure state owned resources were supplied to his army in Spain rather than consumed by the Roman populace, limiting the distributions to 150,000 was a good way to capture a vast amount of grain. Those excluded had to rely on the free market instead. It is not impossible Caesar's reduction was done with the possibility of 'cashing out' Sicily's tax in mind.<sup>120</sup> He had planned military campaigns against Parthia and Dacia.<sup>121</sup> It would not have been practical to ship enough Sicilian grain to provision armies in either region so far east. Instead, Caesar would have been better placed to enter the engagement with plenty of financial backing in order to purchase grain from the much closer agricultural areas of the Egypt or the Black Sea region.

Ensuring Rome's food supply could be an onerous and unrewarding role and Caesar's priority in 46 was to celebrate his victories before turning his attention on Spain.<sup>122</sup> He had seen Clodius weaponising the issue of the food supply in his fight against Pompeius, and in 49 he himself had been compelled to procure grain in a hurry for a somewhat unimpressed populace—a situation which Cicero predicted

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116 Keane (2020) 36.

117 Erdkamp (1998) 101–102.

118 Cic. *QFr.* 2.6 [10]; Fezzi (2009) 57.

119 Cass. Dio. 43.45.

120 Hollander (2007, 94) notes that this was easy enough to do via the *publicani*.

121 Suet. *Iul.* 44.3; Plut. *Caes.* 58; App. *B Civ.* 2.110.

122 See also Cicero's description of the role of quaestor Ostiensis as *non tam gratiosam et inlustrem quam negotiosam et molestam* "not so much popular and illustrious as busy and troublesome" (Cic. *Mur.* 18).

would make him furious.<sup>123</sup> Cutting recipients and creating a fixed cap had the effect of simplifying the process while claiming credit for his public largesse.

## Conclusion

Caesar's popularity among ancient and modern observers has led many to excuse his grain law. Popular leaders who are also dictators, however, do not always act in the interests of the people and instead cultivate popularity as a means of control. Few explanations for Caesar's *recensus* pause to consider the hostility that Caesar had *already* displayed towards the distribution system as early as July 59 when, as an observant Fezzi notes, Caesar had threatened to repeal Cato's law because Curio, upon entering the theatre during the games of Apollo, received the applause he thought was due to him.<sup>124</sup> The Sallustian 'Letters to Caesar' propose a complete abolition of the distributions and the reassignment of the grain to veterans.<sup>125</sup> Regardless of whether the writer was an imperial student or Sallust himself, this letter describes a set of policies which the author thought would be amenable to Caesar and so this text also hints at Caesar's attitude.

Caesar undoubtedly cast himself as a *popularis*. The *recensus*, however, was more convenient for Caesar than it was in the interests of the people. It meant every year there would be a set amount of state grain required for the "*populus*", leaving the remainder available for the large military campaigns he wanted to run. In a setting where harvest sizes and military demands could vary significantly on a yearly basis, this fixed and relatively small number would halve the administrative headaches involved in sourcing and shipping the grain to Rome. Significantly, the *recensus* did not reduce the number of people who would need grain. Instead, it allowed Caesar to avoid taking responsibility for feeding more people even if they accepted his inducements to move to Rome by merely reducing the number who would benefit from the state apparatus. This convenience came at the cost of half the previously enrolled beneficiaries. The *recensus* enabled Caesar to lay claim to the system. His comprehensive pruning of recipients would discourage ambitious tribunes from interfering with the system he had established.<sup>126</sup> Augustus later complained that he only retained the distributions in order to prevent another from reinstituting the system to win favour.<sup>127</sup>

<sup>123</sup> Cic. Att. 9.9 [73] *quam veniet iratus* "how angry he will be when he comes"; QFr. 2.3.2 [7]; Cass. Dio. 41.16.

<sup>124</sup> Cic. Att. 2.19: *Rosciae legi, etiam frumentariae minitabantur* "they threaten the Roscian law, even the grain law".

<sup>125</sup> [Sall.] *Ad Caes. sen.* 1.7.2; 1.8.6.

<sup>126</sup> On the issue of Caesar's relationship with the tribunes of the *plebs*, see also the contribution of Thibaud Lanfranchi.

<sup>127</sup> Suet. *Aug.* 42.3

Most tellingly of all, it overturned the expansionist and inclusionary trajectory of the *frumentationes* that both Cato and Clodius had introduced. It put citizens on an unequal footing in a very new and different way. It divided the *plebs urbana* into the *plebs frumentaria* and *cives sine frumentaria*. Even after the number of grain recipients was once again increased, this distinction remained.

Caesar's *recensus* also created an exclusive and carefully selected body within the *plebs urbana* who could confirm his generosity and demonstrate his popularity. He became a "super-patron" to his loyal following who could rapidly gather to support him. The exclusion of some actually gave Caesar more influence. He could expect loyalty or gratitude from those retained, while those hoping to be included through the yearly additions might become further indebted to Caesar or his administrators if the strict new rules were bent to allow them access to the *frumentationes*.<sup>128</sup> As the American James Madison, who often had Caesar on his mind, observed, "the people can never wilfully betray their own interests, but they may possibly be betrayed by the representatives of the people".<sup>129</sup> Historians have excused Caesar for actions that, if they had been performed by anyone else, would long ago have earned the label 'authoritarian'.

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<sup>128</sup> Keane (2020) 40 describes how the bending or breaking of strict regulations builds reliance and complicity in a despotic regime.

<sup>129</sup> Madison (1788).

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Part 4: **From the End of the Roman Republic  
to the Modern World**



Ronald T. Ridley

# Augustus' *Res Gestae* as a Revolutionary's Manual

**Abstract:** Augustus' *Res Gestae* is used as a major source for his regime, mostly accepted very uncritically (for example, claims that a public document cannot lie!). The present essay is intended to turn the text upside down and use it for a purpose its author never imagined: to track his career as a revolutionary, how he won supreme power and how he kept it. The text will be revealed as remarkably informative for answers to these questions.

Not without reason Theodor Mommsen labelled the *Res Gestae* “the queen of Latin inscriptions”. It is a unique document as the political testament of the man who overthrew the Roman Republic after half a millennium of history, and therefore a text of intense propaganda intent.<sup>1</sup> There has rarely been a more dense text, every word (2,500 of them) of which had been long thought about, and which therefore bears great significance.<sup>2</sup>

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<sup>1</sup> I trust that I may be allowed to refer here to my own attempts to come to grips with it: Ridley (2003) and Ridley (2011). I will say here only that critics' reaction has shown an entire inability to distinguish fact from fiction, which is a fundamental exercise for every one of us in our daily lives. They aspire to defend half-truth against truth, not understanding that a half truth is an untruth, and in the case of a person who well knew the whole truth, it is a lie – as every legal court knows. A recent analysis suggests: “The distortions of the truth are so far understandable that no ruler so powerful as Augustus (my emphasis) would insert known errors into his will and therefore detract from his deeds and himself in the future”, Eberle (2006) 8. What so powerful ruler has ever not believed that he could do whatever he wanted? And Augustus was totally right: most of the world still believes him!

The following analysis will be focussed on editions of the *Res Gestae*, as the most direct aids to our understanding; the general bibliography is overwhelming. It must be noted here, at the outset, however, that even the second edition of Mommsen (1883) was, of necessity, devoted mainly to discussion of the lacunose Latin text. Hardy (1923) and Gagé (1950) similarly are devoted to a literal historical commentary, assembling parallel texts. Gagé's most important comments are restricted, in fact, to his introduction. Gagé (1950) 34–36: Augustus must be granted some sincerity, his account accords with Augustan literature, there is ‘a monarchical tone’, but ‘that Augustus believed he must uphold here so perseveringly the Republican version of his revolution is something for us to think about!’ Volkmann's third edition (1969) is also mainly an (exemplary) collection of parallel texts. The illustration and control of Augustus' own words by other texts is, of course, the first step, but then surely comes the most important exercise: what does it all mean? Read Edwin Ramage's outburst, (1987) 11; this is a book full of the most incisive good sense.

<sup>2</sup> It can be argued that Augustus must have begun to think about it when he built his mausoleum (28 – because that was where it was set up), or when he was seriously ill (23), or when he lost crucial members of his family, notably his grandsons and intended heirs (5 and 2). NB: *All dates are BC unless otherwise indicated.*

We must all be aware of the most fundamental messages, the very *raison d'être* of the document. Augustus was marked by a precocious initiative, he was the champion of freedom, and the protector of the republic (1), the upholder of law (2), and of the family (2). He was the undefeated **military** leader (2, 3.1), the greatest military commander in Roman history (3.3), including at sea (25.1–2), was unrivalled benefactor of the army (3.3, 15.3, 16, 28), and was granted unprecedented military honours (4). He did not seek command, it was unanimously and spontaneously demanded of him (25.2). He was the greatest ever extender of empire (26.1, 27.1, 27.2), and the territory or standards that others had lost, he recovered (27.3, 29.1–2). Note the rank of his captives (4.30), and of his supporters (25.3).<sup>3</sup>

He is unprecedented in his office holding (4.4, 7.1–2), paid unprecedented **political** honours (12.1) – extended also to his heirs (14) – and the holder of an unprecedented range of **religious** offices (7.3), the winner here of more votes in elections than anyone before (11.2). He was meticulous in fulfilling his vows (4.1), the respecter of collegiality (6.2, 16.2), and those in office, even when illegally (10.2). He was the servant of the SPQR (9.1–10), fostering their growth (8.2–4), indispensable to them, indeed (9.1–10), and champion of the plebs (10.1) His age was one of unprecedented **peace** (13, 25.1, 26.2). His **generosity** (*largesse*) to the Roman people is unparalleled (15.1–2); he is unique in paying for private land which he bestows as gifts (16.1, 21.1). He can even assist the state financially (17–18). His building programme is unprecedented in scale: an endless chorus of *feci, refeci, perfec*i (19–21).<sup>4</sup> The people are also entertained (i.e. kept happy and quiet) by him on a scale unmatched (22.1–23.1).

He continually stresses the support he enjoys of the whole of Italy (9.2, 10.2, 21.3, 25.2). His power and respect for him extend, in fact, to the ends of the earth (26.4, 30.1, 31, 32.3); other nations even request that he bestow rulers on them (27.2). Despite this unique position, he remains the embodiment of **modesty** (4.1, 5.1, 5.3, 20.1, 24.2; even conquest is unexploited, 27.2), he is noted for his **pietas** (2, 20.3, 24.1–2), and is the unflagging upholder of **tradition** (5.3, 6.1, 8.5, 25.1, 27.2).

He found himself in total power in 27, but surrendered it all (34.1). His unique position is demonstrated by the state celebration of events in his life (11, 12.2), and his virtues are celebrated by the state (34.2). All he has is his *auctoritas* (34.3), and his title Father of his Country (35).<sup>5</sup>

<sup>3</sup> Although the sleight of hand here is outrageous.

<sup>4</sup> Of which we often cannot make sense.

<sup>5</sup> There has rarely been a blander reading of this text than by Enrica Malcovati, (1938) 3: “the naked and objective enumeration of things and facts without ornament of form, without judgement or comment, except by the nature itself of what is told”. Did she mean by comparison with the excesses of the regime under which she then lived?

But wait: there has, in fact, been a total change of régime following a coup d'état and bloody civil wars.<sup>6</sup> Can we *reread* Augustus' testament to throw light on these events; in other words, can we use this text as a revolutionary's manual?<sup>7</sup>

## How to Gain Total Political Power

On Caesar's assassination, power was contested between the tyrannicides led by Brutus (born 85) and Cassius (born c.83), and the Caesarians led by senior politicians such as Aemilius Lepidus (born c.90), who had been *magister militum* to Caesar as dictator, was elected his successor as *pontifex maximus*, and was to be governor of Narbonese Gaul and Nearer Spain, and Mark Antony (born 82), consul 44, and to be governor of Macedonia from 43 with six legions. These were formidable superiors. How was a nineteen year old to prevail? Precocious ruthlessness is the answer *he himself* provided – and being shy about telling the world was the last of his problems:

When nineteen years old, I raised the army, *by my private decision and at private expense*, by which I vindicated (sc. forcibly asserted) the liberty of the *res publica* when it was suppressed by the domination of a faction. (*RG* 1.1: my emphases, as *passim*)<sup>8</sup>

This is a bare-faced admission of treason, emphasizing his own initiative, presented in slogan-ridden terms.<sup>9</sup> It is also a blatant contradiction of Augustus' claims to modesty and being the 'demanded' leader. Cicero was one of his intimates:

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<sup>6</sup> All the anguish of the debate over 'reform' during the Republic (see the chapter of Vervaeke, Dart and Rafferty, above in this volume) is now otiose. It is as if this world had never existed.

<sup>7</sup> It is to be noted that this is not by any means an easy exercise, given the way that Augustus has organized his account: thematically, not chronologically. It is strikingly revealing of Augustus' methods that this step-by-step analysis of his rise to power and the unchallenged securing and exercise of it will require us to leap about in all directions in this, his own account. His chronology is highly idiosyncratic: he dates by his own years fourteen times, by others' consulships sixteen times. Historians, of all people, however, understand that a document written with a particular purpose may be used by others for one entirely the opposite of the author's intention – as they frequently do. And any critical reader of the *Res Gestae*, be it never forgotten, is following in the footsteps of Tac. *Ann.* 1.10.

<sup>8</sup> The translation I use of the *Res Gestae* is, as always, that of my revered teacher, Edwin Judge, which alone attempts to preserve the order – and therefore emphases – of the original. It may be found in Judge (2019) 151–180 – one of the most compact, incisive and *revealing* commentaries ever on the *Res Gestae*.

One cannot help being struck by the hammering first person of this document. One would think – one is meant to think – that the whole revolution was accomplished by one adolescent alone. This is highly revealing of his mentality. Of course he was backed by a 'party': see the classic analysis by Syme (1939) ch. 24.

<sup>9</sup> Brunt and Moore (1970) 38 refer to "the illegality of his action in 44"; Cooley (2009) 106 will go so far only to say that "Octavian had no authority to do so". Ramage (1987) 33 is most enlightening: "*libertas* was the battle-cry of the republic and by using it here Augustus effectively puts himself and the *RG* in

He has great schemes afoot. He has won the veterans at Casilinum and Calatia over to his views, and no wonder since he gives them 500 *denarii* apiece. He plans to make a round of the other colonies. His object is plain: war with Antony and himself as commander-in-chief. (Cic.Att.16.8.1: October 44, trans. Shackleton-Bailey)

It is interesting that, despite his name, he bluntly admits that he had to buy his adoptive father's veterans. Appian (*BCiv.* 3.40) informs us that some 10,000 men were raised in this way as a private army. It was the first step in a complex military coup.<sup>10</sup> The second step is not specified in the *Res Gestae*: he corrupted the army of the highest magistrate of the state.<sup>11</sup> Two of the Macedonian legions, the Martia and the Fourth, deserted to him (3.44–45). This military bribery and corruption gave him the armed support to establish him as a player to be reckoned with, but that second step was of a revolutionary nature far above that of buying veterans. The Macedonian legions may be simply subsumed in “the army through which I liberated the commonwealth”.

The opening words of the *RG* alert us also to one of its dominant features. Luca Canali accurately described the incessant use of the first person as ‘hammering’.<sup>12</sup> This is one of the most egotistic (literally) documents ever written. One would never imagine that Caesar Augustus could hardly have done a thing without a ‘party’ behind him.<sup>13</sup> The present analysis is devoted, however, to a study of the document in its own terms.

The next step for the revolutionary is to have his totally illegal position regularized:

*On that account*, the senate, with honorific decrees, adlected me into its order in the consulship of C. Pansa and A. Hirtius [43], assigning me consular rank in the speaking order, and gave me

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a direct line with republican traditions”. But *res publica*, which appears here and 1.3, 1.4, 7.1 and 34.1, will be superseded by *imperium* (26–33) as the concern on which his audience should focus: Ramage (1987) 54–58. “Freedom in fact was abolished”, Belloni (1987) 62. Eberle (2006) 4 can barely face facts: this was “like a revolutionary act”. Judge (2019) 154 brilliantly lists other cases of where “private force is justified in the public interest”. The ‘faction’ was the legitimate government of the consul, Antonius! **10** It is, of course, notorious that most coups d’état/revolutions begin with a military coup: not the French (1789), or the Nazis (1933), but the Bolsheviks (1917), the Italian Fascists (1922), Portugal (1926), Mexico (1931), Spain (1936), China (1949), Egypt (1952), Greece (1967), Chile (1973), and most African and S. American examples.

**11** Seducing Antony’s legions was “wholly illegal”, Brunt and Moore (1970) 38. Suborning the troops of Antony, the consul in office, “was illegal”, Cooley (2009) 106.

**12** Canali (1973) 151–175, at 171.

**13** For a classic account, Syme (1939) ch. 24: “The party of Augustus”, 349–368.

the *imperium*.<sup>14</sup> That the *res publica* came to no harm, me with the rank of praetor concurrently with the consuls it ordered to see to it. (*RG* 1.2–3, trans. modified)<sup>15</sup>

The irony is that the person from whom the commonwealth was at this time suffering most harm was the young Caesar. What these remarkable assertions reveal is that there were others, even leading and senior figures, with their own agendas, who thought that they could use him, notably Cicero (*Phil.* 5.45–46). Without Cicero, none of this would have been possible. All did not proceed, however, as intended. As usual, when the gullible agent has served his purpose, young Caesar having assisted in the battles of Mutina (April 43, App. *BCiv.* 3.65–72),<sup>16</sup> he is tossed aside (3.74).

The next stage is the revenge for the betrayal, the outright coup, in August:

The people, moreover, in the same year made me consul, when both the consuls had fallen in war. (*RG* 1.4)<sup>17</sup>

This requires a little nuancing. The actions of the senate immediately preceding were absolutely disgraceful, one moment ready to do everything which they should have done following Mutina by way of rewarding young Caesar's troops and him, such as with a triumph, the next, seduced by some rumour about reliable troops being near, cancelling all the above (App. *BCiv.* 3.89–93). He moved his army, at least three legions, to the Campus Martius – where elections were held – “then took his departure from the city until the consuls should be chosen by the *comitia*” (3.94). Suetonius provides other details:

He usurped (*invasit*) the consulship, leading his legions against the city as if it were that of an enemy, and sending messengers to demand the office for him in the name of his army. And when the senate hesitated, his centurion, Cornelius, leader of the deputation, throwing back his cloak and showing the hilt of his sword, did not hesitate to say in the House, ‘This will make him consul, if you do not.’ (Suet. *Aug.* 26.1, trans. Rolfe)

Dio (46.42–43) tells the same story, stating that the delegation numbered four hundred soldiers.<sup>18</sup> This supreme office was secured essentially to give him status in dealing with other powerful figures:

<sup>14</sup> “The essential truth is plainly stated, that the private act was publicly endorsed”, Judge (2019) 154.

<sup>15</sup> Belloni (1987) 64 detects an embarrassment: the SCU was customarily a senatorial weapon much disliked by the *populus*, and suggests that the reader was meant to take *res publica* as the agent not the object, as suggested by the word order, reproduced in the translation.

<sup>16</sup> It is to be noted that he fought creditably in these battles.

<sup>17</sup> Ramage (1987) 34 adds a vital characteristic to our introductory analysis: *RG* 1.2–4 shows “the impression of deep harmony between senate, princeps and people that begins here and pervades the *RG*”.

<sup>18</sup> Octavian became consul, “after a coup de force”, Gagé (1950) 74. “Octavian's march on Rome forced the senate to agree to his irregular election to the consulship”, Brunt and Moore (1970) 39. He was elected consul “against a background of military pressure”, Eberle (2006) 5. “He extorted the consulship with threats of violence”, Cooley (2009) 114.

(The people elected me) member of the commission of three for settlement of the *res publica* (RG 1.4)

I was a member of the commission of three for the settlement of the *res publica* for ten successive years. (RG 7.1)<sup>19</sup>

His new colleagues were state enemies who were, however, his natural allies: the revolutionary must always be ruthlessly ready to change sides for his own advantage.<sup>20</sup> Appian (*BCiv.* 4.27) tells that the triumvirate was established by the *lex Pedia* without any proper scrutiny, and that the proscriptions began the same night, and (5.95) that the extension in 38 was without any consultation of the people. Armed with virtually dictatorial powers, state organs could now be used in family vendettas:

Those who butchered (*trucidaverunt*) my parent I drove into exile, avenging their deed in courts established by law. (RG 2)<sup>21</sup>

The reality was very different, as revealed by Appian (*BCiv.* 3.95) and Dio (46.48–49). People were charged who had not even been in Rome when Caesar was assassinated. The accused were tried *en masse*, mostly *in absentia*, on the same day, with young Caesar presiding. The chance was taken, as always, by many to rid themselves of personal enemies, and the material rewards involved were great. What is passed over here, however, for obvious reasons, is the revival of the proscriptions, invented by

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19 Belloni (1987) 78 draws attention to the various illegalities, most notably that Caesar continued to hold the powers after 33. Ramage (1987) 33 spots the breath-taking trick: “the simple straightforward language and the logical sequence in the content [1.1–4] leave the impression of a smooth and routine movement through the traditional *cursus honorum*”. Judge (2019) 159 brilliantly cites “the law of the gratuitous extra”: the word ‘successive’ covering the anomaly that the renewal of the *quinquennium* of this office did *not* follow immediately. For these tallies of the duration of powers see also RG 4.4 (tribunician power), 7.1–2 (Illvir, *princeps senatus*).

20 To show that all can be explained, Malcovati (1938) 52 declared that Octavian “understood the danger of a conflict” with Antony and Lepidus – but they were the most natural of allies at this point. This was a ‘volte face’; “the bare facts are recorded without explanation”, Brunt and Moore (1970) 38–39. This office was the result of the alliance with Antony; “the new law virtually established three dictators”, Belloni (1987) 64. “By not mentioning Antony by name in 1.1, Augustus obscures the fact that by the end of the same chapter Antony has been transformed from enemy of the state into triumviral colleague”, Cooley (2009) 114. “What is not made clear is that between (3) and (4) he had changed sides and that the consulship and triumvirate came to him by the threat of force against the senate, in liaison now with the “faction” of (1)”, Judge (2019) 154. Augustus makes no mention of the ‘volte-face’ or the march on Rome: Scheid (2021) 29.

21 The court was extraordinary, the judgement was made before the sentence, and attention focussed not on the crime, but the victim: Belloni (1987) 65. “The very inclusion of 2 shows how preoccupied Augustus is with the problem of legitimacy which hung over the opening of his public career. He leads the too-curious enquirer swiftly on from any further reflection on it to the emotionally secure ground of his filial duty”, Judge (2019) 154.

the brutal Sulla, which allowed for wholesale removal of personal enemies by not only the triumvirs, but also anyone else (see App. *BCiv.* 4.5–51).<sup>22</sup>

We then jump twenty-three chapters. We find that, when constitutional regularity will not provide, one can resort to mass support:

There swore to my words *the whole of Italy by its own free will* and me for the war which I won at Actium as leader did it *demand*. There swore to the same words the provinces of the Gauls, the Spains, Africa, Sicily and Sardinia. (*RG* 25.2)

Here Augustus places all stress on his total and unconditional support. This is untrue: Dio (50.6.3) reveals that, of course, he had to bribe or threaten Antony's veterans in Italy. He is also at pains, of course, to indicate that he did not seek power for himself, but assumed it only on popular demand.<sup>23</sup> So far the standard commentaries. In fact, another fundamental rule of revolution is in play. When the revolutionary leader feels strong enough, he moves against earlier allies, in order to assume total power.<sup>24</sup> The crucial importance of this event lies, however, in two other matters: the oath was taken by both soldiers and civilians,<sup>25</sup> and the oath was not to the state, but to young Caesar personally. This oath, we must be sure, could not confer *imperium*.<sup>26</sup> It is, however, one of the most important turning-points in the revolution, and the very foundation of the personal régime which will follow.

Oaths of loyalty are a popular method of control by authoritarian regimes.<sup>27</sup> We wish to know what was involved. When Paphlagonia was annexed in 6, an oath of loyalty was imposed:

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22 "The passage is very harsh, because forty years later, Augustus expresses not one word of regret, more so because no one could not know that there was an implicit connection between the proscriptions, which he does not mention, and these condemnations", Scheid (2021) 30.

23 Mommsen (1883) 98–99 devotes the whole of an extensive note here to the status of Illyricum! Malcovati (1938) 86 almost outdid Augustus himself: he had "a superiority to everyone else, recognized spontaneously, with an act of voluntary submission". Gagé (1950) 126 suggested that triumviral powers expired at this point – but they clearly continued until 28/27. Despite the impressions Augustus wishes to give, "The oath of 32 did not confer any legal power on Octavian. Nor did the demand that he should be 'leader' [*dux*]. Legally, a military command could be conferred only by the duly constituted assembly at Rome", Brunt and Moore (1970) 68. "Augustus is implicitly disclaiming any official position in the Roman state in 32 BC" (!), Judge (2019) 172. Note that Belloni omits commentary on *RG* 24–33!

24 One may compare Bolsheviks and Mensheviks, Black Shirts and Brown Shirts.

25 Cooley (2007) 215–216. As for 'tota Italia', it went back to Caesar, *BCiv.* 1.2.2 etc. (Cooley (2007) 215–216). Ramage (1987) 29–30 noted the insistence on what he called 'qualifiers': the *whole* of Italy.

26 It is striking that Dio Cass. 50.6, although much interested in the terms of the declaration of war, nowhere specifies how the young Caesar was given command, resulting in endless modern argument: for a summary, see Scheid (2021) 68. In accordance with Occam, the simplest answer is that triumviral powers were continued.

27 For obvious reasons, I always think of the oath imposed on all university teachers in Italy in 1932, which only 'the famous Eleven', one of whom was Gaetano de Sanctis, refused to take - and were sum-

I swear by Jupiter, Earth, Sun, by all the gods and goddesses, and by Augustus himself, that I will be loyal to Caesar Augustus and to his children *and descendants* all my life, in word, in deed, *and in thought*, regarding as friends whomever they regard, and considering as enemies all whom they so adjudge. I swear that in defence of their interests, I will spare neither body, soul, life nor children, but will in every way undergo every danger in defence of their interest. Whenever I perceive or hear anything being said or planned or done against them, *I will lodge information about this* . . . If I do anything contrary to this oath or not in conformity with what I swore, I will call down on myself, my body, my soul, my life, my children and all my family and property, *utter ruin and utter destruction on all my issue and all my descendants*. May neither earth *nor sea* (!) receive the bodies of my family or my descendants, or yield fruits to them. (OGIS 532, ILS 8781, trans. Lewis and Reinhold)

Whom did Augustus think he was kidding? This document is a devastating revelation of his own concept of society and the means of good (authoritarian) government.

## What Total Power Means in Roman Terms

What does Augustus himself tell us of the sum of his new revolutionary powers? To prevent any challenges to total control, monopoly of all offices is necessary for the leader once in power:

I had been consul thirteen times when I was writing this, and was for the thirty-seventh time of tribunician power. (RG 4.4)<sup>28</sup>

That so long as I lived, (I should) have the tribunician power was sanctioned by a law. (RG 10.1)<sup>29</sup>

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marily dismissed from their chairs. Another example is the personal oath the German army took to Hitler after the death of Hindenburg in August 1934.

28 Belloni (1987) 60 first dates this note to 2, but then explains the strange placement, rather than at the conclusion of the *RG*, as ‘an ample chronological arc’ to date all the previous military honours (72). Judge (2019) 156 suggests that this reference was an ‘afterthought’, but as a ‘recent innovation’ may have led some to suspect that Augustus had ‘altered the pattern of Roman government’. In that case, it is highly revealing that he disclosed more than he intended.

29 This was in 23 (Dio Cass. 53.32.5 mistakenly refers to the office of tribune, since as a patrician, he could not hold that office). Mommsen (1883) 44 mistakenly dates the tribunician power to 36, producing endless confusion: Scheid (2021) 44. Although Augustus does not date this honour, one could easily calculate it from *RG* 4.4! “The granting of the powers of a tribune separately from the office marked a radical departure from traditional practice”, Cooley (2007) 126. It is absolutely flabbergasting that a patrician now invented a supreme version of the plebeian tribunate, thus making obsolete all the previous necessity for leading politicians to control at least some holders of the office: see below, the chapter of Rushmer.

I was *princeps senatus*, up until the day I had written this, for forty years.<sup>30</sup> I was *pontifex maximus*, augur, one of the commission of fifteen for the performance of sacred rites, one of the seven *epulones* [in charge of feasts], an Arval brother, a Titian fellow, a fetial. (*RG* 7.2–3)<sup>31</sup>

From the whole of Italy there flow(ed) together for my election [as *pontifex maximus*, 6 March, 12], a multitude greater than any ever recorded at Rome before that time. (*RG* 10.2)

There is left no doubt that Augustus held a cumulation of political and religious office unprecedented in Roman history.<sup>32</sup> The record for consulships had been Marius (seven times); and most Republican grandees were limited to one of the four major priesthoods (Fabius Maximus (*cos.* 233) was a notable exception, being both pontifex and augur). Augustus' complete religious control must never be underestimated.<sup>33</sup> And whenever there is an election affecting such revolutionary leaders, support must be overwhelming (cf. the claims about his appointment as military leader above).<sup>34</sup> Not to be overlooked here is the totally unprecedented nature of his total power: a flat contradiction of one of his main messages in the document, his attention to tradition.<sup>35</sup>

Not to be overlooked, alongside his own prerogatives, is the need also for his personal and total control over the highest political body of the old Republic:

The senate I thrice selected. [29, 18, 11] (*RG* 8.1: *senatum ter legi*)

This is seen by moderns only as one of “a number of measures to increase the dignity both of the senate as a body and of senators as individuals”.<sup>36</sup> The senate had undoubtedly become swollen during the civil wars and many members were unworthy, but the desire by Augustus for political control was obvious, and the hazards therefore serious (Suet. *Aug.* 35; Dio 54.12.3, 15.1). Augustus wants it to be seen as testament

<sup>30</sup> “Octavian would not have qualified for this position under normal circumstances, but he assumed this title in 28 BC, at the time of his first revision of the senate's membership”, Cooley (2007) 134 - straight usurpation of office and titles, typical revolutionary behaviour.

<sup>31</sup> The priesthoods are enumerated in hierarchical order: Gagé (1950) 84. He was fetial in 32 when war was declared on Cleopatra (Dio Cass. 50.4): nothing was to be left to chance. And from 29, he had the right to nominate priests for all the colleges (Dio Cass. 51.20.3), noted by Volkmann (1969) 19.

<sup>32</sup> What he does not mention, however, is the extraordinary fact that for the first time, and as his trademark, power was separated from office: consular power from 19 (that is, in fact, ‘revealed’ in *RG* 8.3–4 but who would have spotted it?)

<sup>33</sup> Scheid (2021) 39.

<sup>34</sup> What modern autocrat does not claim at least 95% of the vote any time he stands for ‘election’?

<sup>35</sup> Ramage (1987) 31–32 tries to square these contradictions.

<sup>36</sup> Cooley (2007) 139. Judge (2019) 159 points to the “ultra laconic note of the selection (*lectiones*) of the senate, which we know were a political time bomb that Augustus never fully defused”.

to the trust placed in him, and even forgets his colleagues!<sup>37</sup> It was a political purge, such as occurs in the aftermath of all revolutions.<sup>38</sup>

That, of course, did not go far enough. In any régime, if traditional magistrates survive, control of the elections is necessary. In his obvious agony over the deaths of his adopted grandsons and designated heirs (*RG* 14), Augustus forgot a signal honour, which we learned of only in 1947: the *Tabula Hebana* (EandJ 94a). In memory of Gaius and Lucius Caesar, ten centuries of senators and leading equestrians were added to the *comitia centuriata* to give some candidates for both consulship and praetorship their vote of approval (*destinatio*), in effect, a guarantee of election (enshrined in the *lex Valeria Cornelia*, AD 5).

Many have stated that Augustus nowhere, on the other hand, revealed his most important monopoly of all: military.<sup>39</sup> That is nonsense:

Wars by land and sea, both civil<sup>40</sup> and foreign, throughout the world I often waged . . . About five hundred thousand Roman citizens were under military oath to me. (*RG* 3.1, 3)

It is instantly to be observed that Augustus conceals nothing about the nature of his campaigns, making an admission previously to be avoided at all costs: civil war had been *bellum impium*.<sup>41</sup> And that half a million men took the military oath to serve under him is an astounding and again unprecedented statistic. It marks the beginning of a most salient feature of the *Res Gestae*: tallying.<sup>42</sup> The crucial point, however, is that this total was only possible for a man who *held supreme military imperium continuously*:

Twice I triumphed with ovation, and I conducted three curule triumphs, and was named twenty-one occasions *imperator* [triumphant general] . . . On account of successful *res gestae* [achievements] by me or through my legates under my auspices by land and sea, the senate voted fifty-five times that thanksgiving should be offered to the immortal gods. The number of days, moreover, on which thanksgiving was offered by resolution of the senate was 890. (*RG* 4.1–2)

There never was a Roman military figure before or after so decorated<sup>43</sup> – a sinister emphasis. Modern equivalents are both more economical and more visible: wearing

<sup>37</sup> Agrippa as censor (29). Ramage (1987) 27 insightfully reveals Augustus' references to "colourless colleagues". Contrast his stress on collegiality (6.2, 16.2).

<sup>38</sup> See discussion in the other chapters of Part 4 of this volume and in reference to 1930s Germany, Austria and Italy the chapter by Alcalde.

<sup>39</sup> For the chorus, Ridley (2003) 90–91.

<sup>40</sup> Civil war is such a feature of the last century of the Republic that Roman historians become anaesthetized to its reality. To understand what such conflicts mean to citizens at the time, see the splendid chapter by Pina Polo in this volume.

<sup>41</sup> Suet. *Aug.* 9 lists no fewer than five civil wars he fought: Mutina (43), Philippi (42), Perusia (41), Sicily (36), Actium (31). Judge (2019) 155 notes the way he "coolly included" civil war in his claim. Scheid (2021) 31 records the embarrassment of some modern admirers of Augustus.

<sup>42</sup> Ramage (1987) 28–29 noted this.

<sup>43</sup> "A glory unprecedented", Gagé (1950) 20.

uniforms of field rank and breasts covered in medals. Even so, Augustus has to fudge. There is no such thing as a 'triumph with ovation' (*ovans triumphavi*): there was either a triumph, or if you did not meet the strict qualifications for that, as a compensation, you were granted an ovation.<sup>44</sup> And notice that he admits that all victories were ascribed to him, as commander-in-chief, even when won by others.<sup>45</sup>

One must wait quite some time, however, before the explanation of all this military recognition is revealed. This is the subject of *RG* 25–27, 29–30. Here is a fundamental matter where Augustus showed himself the consummate master: in fact, after Actium, during the next forty-six years, he took command only three times: in Spain (26–25), the East (22–19), and in Spain again (16–13).

## How to Retain Power

Once an old régime has been overthrown and supreme power has been obtained, an even bigger problem is how to retain it. Control of surviving political institutions is vital, as we have seen, but there is much more, and one of the most skilled of revolutionaries did not hesitate to explain. First and foremost to be kept on side is the army, Augustus' first resort, the means of his victories, and the foundation of his power. The army that gives supreme power may, however, equally as easily take it away. One way that an army is kept loyal is by the commander-in-chief portraying himself as continuously victorious. It is appropriately, therefore, part of the grand climax of the document (34.2) that from 27, by senatorial decree, "the doorposts of my house were publicly clothed with laurels". Mommsen instantly saw that this meant that Augustus was always victorious.<sup>46</sup>

Roman experience during the Republic, however – and the military history of every state since then – demonstrated that an equally serious problem was the care for veterans. Twenty-eight legions completed their service every twenty years.

Of these [the 500,000 citizens serving under oath to me] I settled in colonies or sent back to their towns upon earning discharge somewhat more than 300,000, and to all of them I allotted land or gave money in reward for their service. (*RG* 3.3)

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<sup>44</sup> Malcovati (1938) 56 spotted the anomaly: for the critical battles of Philippi and Naulochos he received only an *ovatio*. She noted the strangeness of 'curule' here, but this is only a desperate attempt to dress things up.

<sup>45</sup> It was the convention of the Republic that victories were always assigned to the command-in-chief, the one under whose auspices the war had been fought.

<sup>46</sup> Mommsen (1883) 151. The chickens came home to roost in AD 9.

To the colonists who had been my [sic] soldiers, when consul for the fifth time [29], from the spoils of war on an individual basis single lots of 1,000 *nummi* [i.e., sesterces] did I give; there accepted this triumphal largesse in the colonies about 120,000 people. (RG 15.3)<sup>47</sup>

A cash price for the lands which in my fourth consulship [30] and subsequently in the consulship of M. Crassus and Cn. Lentulus Augur [14] I assigned to the soldiers did I pay to the towns. The total was about 600 million sesterces which I disbursed for Italian properties, and about 260 million which I paid for provincial lands . . . To the soldiers whom after earning their discharge I settled in their own towns upon earning their discharge bonuses in cash I paid out, to which end 400 million sesterces did I expend. (RG 16.1–2)

In the consulship of M. Lepidus and L. Arruntius [AD 6], to the military treasury which on my advice was founded, so that from it bonuses could be given to the soldiers who had served twenty or more years, 170 million sesterces out of my patrimony did I hand over. (RG 17.2)

Colonies in Africa, Sicily, Macedonia, either Spain, Achaia, Asia, Syria, Gallia Narbonensis and Pisidia from amongst the soldiers did I found. Italy, moreover, possesses twenty-eight colonies, which in my lifetime have been very populous and crowded, founded on my authority (*mea auctoritate*). (RG 28)<sup>48</sup>

Augustus' dependence on the military as the foundation of his régime is made perfectly clear by his return again and again to this matter throughout the *Res Gestae*. Military expenditure was the largest item in the budget.<sup>49</sup> The need to establish a separate military treasury speaks volumes. In sum, Augustus' most loyal supporters were the veterans, and they were positioned throughout the empire.<sup>50</sup>

Next is the civilian population:

To the Roman plebs on an individual basis 300 sesterces each did I pay under the will of my father [44], and in my name 400 sesterces each from the spoils of war when consul for the fifth time [29] I gave. For the second time, in my tenth consulship [24], out of my patrimony a largesse of 400 sesterces each on an individual basis I paid out. . . . and when with tribunician power for the twelfth time [11], 400 *nummi* each for the third time on an individual basis did I give. These largesses (*congiaria*) extended to never fewer than 250,000 people. When of tribunician power

<sup>47</sup> Gagé (1950) 101 noted the mutiny that occurred after Actium, and young Caesar's forced return to Brundisium (Suet. *Aug.* 17.3), so he learned the necessity for attention to the veterans very forcibly and very early. In fact, he had to begin to deal with this vital problem as early as the aftermath of Philippi, and the Perusine War resulted: Eberle (2006) 7. There was also an earlier mutiny, in 36 (Dio Cass. 13–14). The total here of half a million men is so large it may well include veterans of Philippi, Nauarchos and Actium, on both sides: Cooley (2007) 173. This was a very wise step, although primarily necessitated by the civil nature of much of this warfare. It is noteworthy that so many fraught episodes are here subsumed into one impressive, innocent-seeming grand total.

<sup>48</sup> "One of the most significant changes introduced by Augustus was his establishment of an army that was both professional and permanent", Cooley (2007) 179–180. The colonies were useful for Romanization and control.

<sup>49</sup> Fifty million sesterces a year for veterans after 14: Scheid (2021) 53.

<sup>50</sup> Or as Malcovati (1938) 55 put it: the veterans could be "a disturbing element", but instead became a not insignificant economic group as small farmers.

for the eighteenth time, and consul for the twelfth [5], to 320,000 of the urban plebs sixty *denarii* each on an individual basis did I give. When consul for the thirteenth time [2], sixty *denarii* each to the plebs who were at that time receiving public grain did I give; that was a little more than 200,000 people. (RG 15)

In blunt terms, he bought the plebeians' support, with astronomical sums.<sup>51</sup> Their ability, if disaffected, to reduce the capital to chaos was well known. There were also life and death matters, such as the food supply:

When consul for the eleventh time [23] twelve grain allowances with grain privately bought I measured out. (RG 15.1)

I did not beg to be excused, during an extreme shortage of grain, from the responsibility for the corn-supply [22], which I managed in such a way that within a few days I freed the citizen body from the alarm and immediate peril by my own expense and responsibility. (RG 5.2)<sup>52</sup>

Not to be overlooked, however, the winning of hearts and minds by anything but subtle means:

Three times a gladiatorial show I gave in my own name, and five times in the names of my sons or grandsons, in which shows *there fought to the death about 10,000 men*.<sup>53</sup> Twice an exhibition of athletes assembled from all sides did I supply to the people in my own name, and a third time in the name of my grandson. Games I put on in my own name four times, and in place of other magistrates (I did so) twenty-three times. On behalf of the college of fifteen as a master of the college with my colleague M. Agrippa the Centennial Games in the consulship of G. Furnius and C. Silanus [17] I put on. Being consul for the thirteenth time [2], the games of Mars I was the first to put on,<sup>54</sup> which from that time onwards in successive years (by resolution of the senate and law) the consuls put on. Hunts of African wild beasts in my own name or in that of my sons and

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51 No commentator on the *Res Gestae* has ever made this simple observation, but all of Edwin Judge's students were alerted to this fact. Belloni (1987) 102–104 notes that this attention to food and entertainment for the plebeians was entirely Republican, with no idea of solving the “problem of the plebeians”. Exactly as his father had relied on their support, so they had to be kept out of the hands of any aristocratic rival. During 30–27 alone Octavian distributed well over 800 million sesterces, one third of all he spent in a lifetime: Cooley (2007) 168 (see here also for the sources of his wealth). Judge (2019) 165–166 calls this a “barrage of data”, but the details are necessary to show his generosity: a simple grand total for ordinary people would have been meaningless – and the occasions were politically significant.

52 Cooley (2007) 129 is so wicked as to suggest that the speed with which Augustus solved the problem suggests that he had been stock-piling grain! Judge (2019) 157: “The stress upon the speed and personal cost of his solution may cover the fact that this post was also a dictatorship under a less provocative title”. What is interesting is that he does not mention the final solution: the *praefectus annonae*, he set up late in the piece: AD 8? The answer must be that he did not class this new institution (or any of the other prefectures) under his own *Res Gestae* because the work was now in the hands of others.

53 Note the brutalization involved: mass murder as entertainment. “These games [were] utterly unprecedented in scale”, Cooley (2007) 203.

54 In connection with the dedication of the temple of Mars.

grandsons in the circus or in the forum or in the amphitheatre to the people I gave twenty-six times, at which *there were consumed about 3,500 beasts*.

A naval battle as a display for the people I gave [2] on the other side of the Tiber, in the place where there is now the grove of the Caesars, after excavating the site to a length of 1,800 feet, and a breadth of 1,200. In it thirty beaked ships, either triremes or biremes, and a larger number of smaller ones, engaged in conflict. In these fleets there fought, apart from the rowers, about 3,000 men. (RG 22–23)

Again, in blunt terms, Augustus kept the minds of the plebeians occupied and favourable with entertainments. And it is highly significant that in 22 Augustus put limits on other people's giving of games (Dio 54.2.4). This indicates how clearly he identified attention to the plebeians as one of the foundations of his security. His monopoly of their gratitude was crucial. The cost of these entertainments was 'beyond reckoning' (*impensa innumerabilis*: RG appendix).<sup>55</sup> And not to be overlooked, although only Judge spots it, Augustus' 'omnicompetence' here completely sidelined the middle-ranking magistrates who had previously put on such games.<sup>56</sup>

Some revolutionary régimes try to hand power on, to found a dynasty, although that is rarely successful. Here Augustus must be deemed to have been highly successful, despite the calibre of those descendants. In the account of his own deeds, Augustus took the opportunity often to emphasize the dynasty he was attempting to found (14, 20.3: the grandsons; 22, especially in the games; 30.1: Tiberius).

Not to be overlooked in this middle section of the *Res Gestae* are chapters 19–21. Every régime tries to leave its architectural impress on the state. Everywhere the citizens look, they see the presence of the régime and its messages – although it must be admitted that the quality of this Augustan transformation was much superior to that of most modern regimes. Fascist and Communist architecture is undifferentiated in its brutality, soullessness, monumentality and uniformity, a crushing of the human spirit and creativity.

## The Cult of the Personality

Where all this led in a revolutionary sense for Augustus personally is revealing. As with all such successful revolutionary leaders, they must be identified with the state, suggesting that the very existence of the state requires not only their leadership but even their survival (the reverse is, of course, the case: organs of state are being manipulated for their own benefit):

<sup>55</sup> Ulrich Wilcken's demonstration in 1931 that all expenses listed in the *Res Gestae* are personal must never be forgotten. This was a turning-point in the understanding of the document.

<sup>56</sup> Judge (2019) 170.

Vows for my health to be undertaken through the consuls and priests every fourth [in Latin, fifth] year the senate decreed [from 28].<sup>57</sup> Arising from these vows, there were frequently given games *in my lifetime*, sometimes by the four *most important* colleges of priests, sometimes by the consuls. Privately also and by municipalities, the *totality of citizens with one spirit and continually at all shrines* on behalf of my health did pray. (RG 9)<sup>58</sup>

My name by resolution of the senate was included in the hymn of the Salii, and that I should be sacrosanct in perpetuity. (RG 10.1)<sup>59</sup>

The altar of Fortune the Homebringer in front of the temple of Honour and Enterprise at the Capena Gate in recognition of my return the senate consecrated, and ordered the *pontifices* and Vestal Virgins to make an annual sacrifice upon it on that day on which, in the consulship of Q. Lucretius and M. Vinicius [19], I had returned to the city from Syria, and named the day the Augustalia after my cognomen. (RG 11)

When from Spain and Gaul after successful achievements in these provinces I returned to Rome in the consulship of Ti. Nero and P. Quintilius [13], the altar of Augustan Peace in recognition of my return the senate resolved should be consecrated in the Campus Martius, upon which the magistrates, and priests and Vestal Virgins it ordered were to make an annual sacrifice. (RG 12.2)

The stress in Chapter 9 is on 'in my lifetime', contrasting Augustus with Caesar, to whom honours were paid after his death.<sup>60</sup> The hymn of the Salian priests was *to Mars*, to ensure Rome's safety in time of war.<sup>61</sup> Now Augustus' name was to be inserted! As was understood, Augustus, who was not a god, was given a status similar to the gods (Dio 51.20). And, of course, the leader has to be guaranteed personal inviolability – not that that in reality prevents plots against his life (Suet. *Aug.* 19). In fact, Caesar was the model (Dio 44.5.3)! This provision indicates, however, that Augustus' person is of the highest importance to the state: the health of the latter depends on

57 Cooley (2007) 145 significantly notes that "it was traditional for vows to be made by the consuls each year on 1 January "for the welfare of the state"." The number of vows offered in this case for an individual was unprecedented, even with Caesar.

58 Notice the obsessive claims to universality. Gagé (1950) 89 noted also a resolution of the senate as early as 30 that vows for Augustus were to be added to those for the senate and people made by the priests and Vestals (Dio Cass. 51.19).

59 See Belloni (1987) 92–93 on the Salian hymn. Sacrosanctity meant that one could not be offended by word or deed, and that the offender was cursed by Jupiter and his property confiscated to the gods: Belloni (1987) 93–94.

60 Volkmann (1969) 22; Scheid (2021) 42.

61 Gagé (1950) 89: probably from as early as 29 (Dio Cass. 51.20). He cited the rare parallels, posthumously: Germanicus (Tac. *Ann.* 2.83) and a son of Marcus Aurelius (SHA, *Marc.* 21.5); add Gaius and Lucius Caesar: Scheid (2021) 44. "The inclusion of Augustus' name in the hymn indicated that the safety of Rome was considered to be bound up with his safety", Brunt and Moore (1970) 52. Augustus is ranked alongside Rome's guardian deities: Judge (2019) 161.

the health of the former.<sup>62</sup> And Augustus was often sickly (Suet. *Aug.* 81)!<sup>63</sup> In the case of his returns from the East<sup>64</sup> and the West, what is striking is not merely the erection of an altar to record his safe returns and how vital he was to the state, sacralizing these events, but also the stipulation that henceforth an annual sacrifice was to be performed. These were, therefore, not single events to be celebrated in their time, but matters for ritual in perpetuity. And one notes that, although in 19 only priests and the Vestal Virgins were involved, six years later the magistrates are included.<sup>65</sup> Events of his personal life had entered the religious calendar. These are prefigurations of his deification on death.<sup>66</sup> This was also revealingly the first instance in Rome of a monument to Peace, and this deified abstract, precious to all people, was now indissolubly connected with, that is, dependent on, Augustus.<sup>67</sup>

Another illustration of the same identification of leader and state is the deification of the qualities and virtues of the leader. Augustus made an art of this:<sup>68</sup>

(By resolution of the senate) a golden shield in the Julian senate-house was placed, which the senate and people of Rome gave to me by reason of my enterprise and clemency, justice and loyalty (*virtus et clementia, iustitia et pietas*) as is attested through the inscription on that shield. (RG 34.2)

The location of this tribute is of the highest significance. So much for his life and qualities. When all is said and done, however, there are only several indirect revelations of the most brutal truth of the new régime. The life of every citizen depended on the leader:

<sup>62</sup> Volkmann (1969) 21–22; Judge (2019) 160. Ramage (1987) 30 is too indulgent: “All Romans are as deeply concerned about their princes as they can be; he is popular and badly needed”.

<sup>63</sup> Although Scheid (2021) 42 notes that the vows in 28 related not to an illness, but the victory at Actium. Malcovati (1938) 61 again explained: Augustus’ health was always delicate, so it all made sense! At the same time she admits that all these supplications were a prelude to the ruler cult.

<sup>64</sup> Judge (2019) 161–162 uniquely notes that this event also signifies Augustus’ willingness to devote himself not only to his provincial command, but also to the administration of Rome. The two altars were at opposite ends of the city.

<sup>65</sup> It is strange, however, that Augustus, in contrast to modern régimes, does not seem to have recognized how important rituals involving the people are in allowing the state to create its own messages and the people to indulge in comforting mass emotion. His rituals mainly involved the élite, suggesting that they were the people he had most to worry about.

<sup>66</sup> Naming a festival was a privilege hitherto reserved for the gods: Scheid (2021) 46.

<sup>67</sup> Volkmann (1969) 26. Cooley (2007) 151–152, 154 emphasizes the triumphal connections, but then the *Augustan* peace (p. 156).

<sup>68</sup> Augustus’ great Republican predecessors had not exploited this usage. Of Scipio Africanus, we would think primarily of his celebrated *temperantia* (Livy 26.50), of Pompey, before everything went wrong, his *celeritas* (Cic. *Imp. Pomp.* 33–35), and the same (!) of Caesar (*veni, vidi, vici*). Leaders of modern régimes are content to emphasize their care for the state (Mussolini’s light burning all night in the palazzo Venezia).

As victor I spared all citizens seeking mercy. (RG 3.1)

(By resolution of the senate) a civic crown above my door was fixed. (RG 34.2)

In other words, anyone who ever crossed him in his rise to power had to beg for mercy in order to live. Caesar had been assassinated for less.<sup>69</sup> The *corona civica* was awarded to a soldier who saved another soldier's life in battle, but it was a private decoration. There is no recorded instance of Augustus ever saving anyone's life in battle. Its conversion here into a public award and its placement shows that its meaning has been dramatically extended to make Augustus symbolically the saviour of the life of every citizen.<sup>70</sup> Pliny extended it to the whole of mankind (!) (HN 16.8), even if only by ending the civil wars – the wars which Augustus himself had provoked.

It is one of the most telling aspects of a revolution that the new head of state must have a distinguishing and very personal title, which makes his position unique and invests him with a special aura. The paradox is that modern examples all essentially mean the same thing, 'the leader': Duce, Führer, Vozhd – in sum, rather prosaic and unoriginal.<sup>71</sup> It is highly significant that Augustus could not devise anything more original: *princeps*. In this, in fact, he was trapped by his desire to appear traditional, because in the Republic precisely this title had been treasured by many eminent politicians and generals.

He made the difference crystal clear, however, by using it in three instances as a calendrical device: 'during my principate' (*me principe*: RG 13, 30.1, 32.3). There had, indeed, been a revolution.<sup>72</sup> Everything thus marked a new era, as was blatantly advertised: his rule marked a new era,<sup>73</sup> his birth marked an era (RG 13),<sup>74</sup> and there were, of course, the *Ludi Saeculares* (RG 22, above). These were so desperately needed that the interval between occurrences had to be recalculated!

There was yet another title to be gained:

While I was holding the thirteenth consulship [2], the senate and equestrian order and people of Rome in their totality named me Father of the Fatherland (*Pater Patriae*), and resolved that this should be inscribed in the vestibule of my house, and in the Julian senate-house, and in the Augustan Forum beneath the chariot which was put up for me in accordance with a resolution of the senate. (RG 35.1)

69 "It may be doubted if contemporaries were much impressed with the claim to clemency, as they knew the facts", Brunt and Moore (1970) 41. And note Pliny's ironic comments.

70 Volkmann (1969) 58.

71 The Spanish favourite, Caudillo, on the other hand, means warlord.

72 Cooley (2007) 160 points out that he could refer to others by the same title (12.1, 33), but these references point up the difference in usage, as does the Greek translation, *hegemon*, as she also notes.

73 The device of a new calendar is common to revolutionary regimes: the French after 1794, the Italians after 1922.

74 This "almost assumes the value of an age. Moreover, it was a widely spread feeling that with the birth of Augustus a new era was begun for the world", Malcovati (1938) 13!

The importance of this title is instantly obvious from the multiplicity of the places of its publication, albeit these three sites are not very distant from each other. The title represents the state as a family. It has, however, subsequently been notoriously devalued by its popularity with authoritarian figures as a sham proof of identity of ruler and people.<sup>75</sup>

The great revolutionary, however, went further. A title was one thing, but a personal name was even more special:

The commonwealth (*res publica*) from my control into the discretion of the senate and people of Rome did I transfer. In return for this desert of mine (*pro merito meo*), by resolution of the senate I was named Augustus. (*RG* 34.1–2)

This name is truly extraordinary: such a potent name had never been held by any Roman before him. Its associations are primarily religious.<sup>76</sup> It put him above humanity. The closest equivalent – indeed, a kind of translation – is Sua Santità.

In short, the *Res Gestae* may most definitely be ‘subverted’ to reveal the step by step accomplishment of the Roman Revolution, the overthrow of a government, an oligarchic republic, which had lasted for half a millennium, and the *acquisition* of supreme power by one man for life. One moves from the nineteen years old raising a private army, carrying out a military coup, then aligning himself with the enemies of the state to defeat common enemies and carrying out brutal purges, next turning against these allies to take sole power. What that power looks like, what the new leader needs to cement his control: Augustus conceals nothing. He takes a complete monopoly of political power, he relies on a revolutionary separation of power from office which is conferred for life, and similarly enjoys an uncontested religious pre-eminence by holding membership of all priestly colleges.

The two bases of his *retention* of power were, however, the cultivation of the army, especially the veterans, and the plebeians. These are two main focusses of the docu-

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<sup>75</sup> The title is commonly given to *founders* of a nation: Giuseppe Garibaldi and Victor Emmanuel II in Italy, Kemal Ataturk, Mahatma Gandhi, Nelson Mandela. Stalin invented a variant: ‘Father of Nations’ (the unifier).

In Rome, there was only one founder: Romulus, but the title had been given also to others who surmounted great crises: Camillus, Marius, Cicero. For those who knew their history – but probably had to keep it to themselves – Augustus took his place in line.

<sup>76</sup> The *Oxford Latin Dictionary*, 214 translates, in relation to persons, as “worthy of honour, venerable, august”. It gives examples such as the founding of Rome *augusto augurio* (Enn. *Ann.*), a *templum augustissimum* (Livy 42.3.6), a reference to Augustus, in the next breath *divi filius* (Verg. *Aen.* 7.792), and “religious places and those in which anything is consecrated by augural rites are called *augusta*” (Suet. *Aug.* 7.2), but to my mind most suggestive is the idea that by combining the human and divine, one makes things ‘more august’: *miscendo humana divinis praemordia urbium augustiora faciat* (Livy, pref. 7). See also Volkmann (1969) 57. Malcovati (1938) 3, indeed, suggested that the whole purpose of the *Res Gestae* was to justify his title of Pater Patriae and his name Augustus: in an ominous year when Italians’ attention was indeed focussed on qualities of leadership.

ment. The true revolutionary feature of the new régime, on top of all that, is the identification of the leader with the state: his health, his safety. The life even of every citizen depended on that of the leader. The revelations of Augustus – it seems unwittingly, since his intentions were obviously totally at variance with what we have revealed – in his own most carefully prepared posthumous ‘summary’ will be recognized as uncannily prescient in providing guidelines for all subsequent revolutionaries who wished to establish a permanent change of régime.

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Catherine Kovesi

# With a Bang or a Whimper? Reflections on the Fall of the Venetian Republic

**Abstract:** The Republic of Venice was the longest lived of all republics. Lasting for over 1000 years, it is at once both the most vivid exemplar of the enduring legacy of the Republic that was Rome, and of the fragility of any republican enterprise. Alone amongst Italian cities, Venice could claim that it had not merely inherited Rome, but that it had never ceased ‘being’ Rome, even when Rome itself had fallen. Despite exquisite refinement of a series of governmental mechanisms that seemed to auger well for its stability and longevity, the end when it came was swift and devastating. This chapter examines the core elements of the Venetian republic together with the long-held debates about the reasons for its fall – whether primarily internal or external – and concludes with a brief reflection on the present fate of the city under the governance of the Republic of Italy.

*This is the way the world ends  
This is the way the world ends  
This is the way the world ends  
Not with a bang but a whimper.*

T.S. Eliot, *The Hollow Men* (1925)

As I began writing this chapter, the justices of the Supreme Court of the republic of the United States of America were deciding whether a President whilst still in office can be immune from prosecution for attempting to overturn the election of their successor. In an ambiguous decision, the Court ruled that former presidents can never be prosecuted for actions relating to core powers of their office, but that they can be prosecuted for their private acts. As the individual concerned, by now a convicted felon, was recently re-elected for this highest of offices, a final trial has now been deferred, perhaps indefinitely.<sup>1</sup> For the Council of Ten, the highest judicial authority in the Republic of Venice until 1797, any need to debate such matters was unthinkable. Formed in the wake of a conspiracy against the State in 1310, the Council did not hesitate in April 1375 to sentence to execution and *damnatio memoriae* the sitting head of state, Doge Marin Falier, for conspiring to extend his powers. To this day a cautionary black curtain remains painted over his former image in the hall of the Great Council

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<sup>1</sup> Donald J. Trump was defeated in the election of November 2020. On 6 January 2021 a mob of his supporters attempted to overturn the formal confirmation of his successor, Joe Biden, in a joint session of Congress in the Capitol. In May 2024 Trump became the first former US president to be convicted of felony crimes (34 in total). In the election of 5 November 2024, Trump was elected President once more. Amongst much media commentary, see Wofford (2024), Liptak (2024), Sisak *et al.* (2024), and also Howe (2024).

in the Doge's Palace. Seventy years later, in 1445, the Council of Ten also did not hesitate to sentence Jacopo, son of the reigning Doge, Francesco Foscari, to exile, first to nearby Treviso and then to the island of Candia (Crete) for taking advantage of his father's position with bribery, corruption and subsequently conspiracy to murder. That same Council demanded that Jacopo's father, despite (or because of) his 34 years in office, abdicate as Doge in 1457.<sup>2</sup> The Council and the wider Venetian patriciate understood how fragile a thing is a republic and that vigilance is needed, and powers enabled, over even the highest office bearer to ensure its stability and longevity. This chapter is a reflection on the mechanisms used, and the challenges faced by, the world's longest-lasting republic, that of Venice, and of the ultimate precarity of republican values even after 1100 years of embedding them into a finely tuned state.<sup>3</sup> Resisting internal conspiracies and invasion from all powers within and outside the Italian peninsula – the only Italian city-state to do so – and nominated *la Serenissima*, the most Serene one, as a result of its extraordinary longevity and stability, the end of the Venetian republic when it came was remarkably swift. In the end, all can finish abruptly with the shot of a single cannon and the defeatist relinquishing of authority. Yet historians remain divided as to whether the fall of the Republic of Venice was ultimately due to long-term internal decay or to decisive invasive action; *pace* T.S. Eliot, was it with a whimper or a bang?

In the power vacuum and subsequent jockeying for authority that played out in central and northern Italy from the mid-thirteenth century onwards, each of the emerging Italian city-states liked to think of itself as the rightful inheritor of Rome and its institutions and thereby superior to its neighbours.<sup>4</sup> This was reflected in ubiquitous often fanciful foundation stories and associated iconography which emphasised either imperial or republican Rome depending on the ruling regime and its desired ancestry. The ambiguity of the Roman legacy was an ongoing gift of legitimacy. Even city-states with oligarchical republican structures – Siena, Lucca, Pisa, Genoa, Florence – could choose different Roman founding myths depending on need. The republic of Siena, for instance, was reputedly founded by Senius and Aschius, sons of Remus, who fled to the town after Romulus murdered their father. Lucca, after initial Trojan foundations were destroyed, was set on a surer footing by two brothers, Vessilano and Catulo, whose military prowess and loyalty whilst in Rome were rewarded by the Senate with funds to rebuild their city together with their younger brother

<sup>2</sup> For a detailed account see Romano (2007) esp. 254–331.

<sup>3</sup> Though Venice as a city was legendarily founded on 25 March 421, its first Doge, Paolo Lucio Anafesto, was elected in 697CE and so the Republic takes its founding date from this latter year – exactly 1100 years before the Napoleonic defeat.

<sup>4</sup> For a discussion and examples see Beneš (2011). For an earlier intervention in the field see the classic work of Martines (1979).

Mauro.<sup>5</sup> Florence, *la piccola Roma*, “the little Rome”, according to its great chronicler Giovanni Villani writing in the 1320s and 1330s, was founded as a colony from nearby Fiesole under Julius Caesar in 70 BCE,<sup>6</sup> and then refounded by Charlemagne as a Christianised Rome. According to Villani the Florentines should take comfort in the fact that *sono discesi di nobile progenie e di virtudiose genti, come furono gli antichi buoni Troiani, e’ valenti e nobili Romani*, “they are the descendants of a noble progeny and virtuous people, such as were the ancient, good Trojans and brave and noble Romans.”<sup>7</sup> As the daughter of the great republican city-state, Florence could justify territorial expansion both by the very character she had inherited and as one of reclaiming what was rightfully hers. In his panegyric to the city of Florence *Laudatio florentinae urbis* of 1403–1404, humanist and statesman Leonardo Bruni declared that because Florence has Roman origins: “therefore, to you, also, men of Florence, belongs by hereditary right dominion over the entire world and possession of your parental legacy. From this it follows that all wars that are waged by the Florentine people are most just, and this people can never lack justice in its wars since it necessarily wages war for the defence and recovery of its own territory.”<sup>8</sup>

Venice, by contrast, did not need any tortuous Roman foundation stories. It occupied a unique position amongst the Italian city-states. During the series of invasions by Germanic tribes which saw the fall of the Western Roman Empire in 476 CE, the habitations in the area called *Venetia* by the Romans, were never invaded but instead their maze-like shallow lagoon waters served as the destination for waves of refugees fleeing the Visigoths, Ostrogoths and especially the Lombards who had crossed into the peninsula. Venice could claim that it had not merely inherited Rome after a prolonged power vacuum, but that it had never ceased ‘being’ Rome, even when Rome itself had fallen. It claimed its legitimacy as one of uninterrupted lineage which enabled claims of superiority even over the very city which had proved not so eternal after all; a paradoxical internal Italian outpost of the empire that was Rome.<sup>9</sup>

The Rome which Venice was to continue was thereby initially not republican but imperial. As Rome fell, these communities of *Venetia* looked across the seas in obedience to the Eastern Roman Empire based in Byzantine Constantinople.<sup>10</sup> Government of this lagoon outpost was devolved at first to Ravenna from whence *Venetia* was made a separate military command under a general or *Dux* elected *vox populi* and

5 This story is to be found for the first time in the c. 1430 chronicle in poetic form of Alessandro Streggi, Biblioteca statale di Lucca, MS 942, ‘Cronache di Lucca Scritte in ottava rima da Allessandro di ser Giovanni di ser Masseo da Barga’ c. i, ott. 29–38 and ott. 40–55 cited in Bratchel (2008) 2.

6 Villani [1348] (2007) II, i; also II, iii–v. Translation by Green (1972) 59–62 and 64–68.

7 Villani [1348] (2007) I, i. See also Salvestrini (1999) 201.

8 Bruni [1403–1404] (1996). Translation by Kohl *et al.* (1978) 150. This argument is reiterated in Bruni [1369–1444] (2004), Book 6, vol. 2, 156–163.

9 For the historiography of the ‘myth of Venice’ see especially Grubb (1986) 43–94.

10 Pincus (1992) 101–114.

with its administrative centre until 742 in Eraclea, then in Malamocco, followed by the Riva Alto (literally high bank – later elided to Rialto), and finally in the area of San Marco, where it remained until 1797. In the local vernacular, *dux* became *dose*, or in Italian, *doge*. We know little of the early doges Paolo Lucio Anafesto elected in 697 CE and Marcello Tegalliano elected in 717 CE, but the titles of Mauritius Galba (r. 764–786) *magister militum, consul et imperialis dux Veneciarum provinciae*, “master of the soldiers, consul and imperial general of the province of the Venetians”<sup>11</sup> and even more so that of Justinian Partecipacius (d.829) who returned from a mission to Constantinople to strengthen ties between the two cities with the title *imperialis hypatus et humilis dux Venetiae*, “imperial consul and humble general of Venice”<sup>12</sup> were typical of titles held by other Byzantine authorities in the far reaches of the Empire. These titles revealed these early doges as subordinate to the Byzantine Emperor and with power devolved to their office not to themselves individually.<sup>13</sup> But Doge Justinian Partecipacius also welcomed a new arrival to the Venetian city on 31 January 828, the ‘reclaimed’ body of Saint Mark who became the city’s premier protector saint, one of the four evangelists no less. Venice had now arguably fashioned the beginnings of its own ‘holy Roman empire’ with a providential destiny. As the Byzantine Empire in turn faced issues of power and control and Venetians came to consolidate their authority, titles of Venetian doges gradually came to reflect a simpler more territorially focused reality: *dux Venetiarum* – General of the Venetians. The Venetian territories gradually expanded into three divisions: the *Dogado* (Venice proper), the *Stato da Màr* (its overseas territories spread through the Mediterranean), and the *Terraferma* (its mainland territories). By 1000 when Croatia and territories along the Dalmatian coast were added to the Venetian ambit, the doge’s title included a Dalmatian addendum: *Veneticorum atque Dalmaticorum dux*, “General of the Venetians and Dalmatians”. It was from these same Dalmatians that in 1550 Venice was to develop an elite infantry corps within its navy from whom were also selected the personal guards of the doges, the *oltremarini*, or *fanti da mar* “Infantry of the Sea”, and these same Dalmatian infantry were to play an impressively loyal role in the final hours of the Venetian republic.

In the twilight of the independent communes which were a characteristic feature of central and northern Italy, all towns faced oftentimes crippling internal divisions from powerful families wrestling for overall authority. Some Italian city-states resolved factional divisions on a despotic model. Those that did so successfully, such as Milan, Ferrara, Rimini, and Mantua, had an economy whose wealth derived from aristocratic families whose wealth was land-based and who always outnumbered the merchants. Those who chose a republican model had, instead, an economy whose merchant body outnumbered its aristocratic families – Florence being the most famous example whose

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<sup>11</sup> Nicol (1988) 10–12.

<sup>12</sup> Translation by Bury (1912) 327.

<sup>13</sup> The effect of Partecipacius’ title was somewhat diminished when he arrived in Venice to find that his father had appointed his younger brother as Co-Dux in his absence.

aristocrats were excluded from government in the Ordinances of Justice in 1293. But Florence never resolved the issues of factionalism amongst the merchant patricians who held government thereafter and its republic became a Duchy under the Medici in 1532. Venice alone managed to quell factionalism in an enduring fashion which combined both aristocratic sentiments with mercantile realities.

Just four years after the Florentine Ordinances of Justice, Venice passed its so-called '*serrata*' or 'fence'/'cut'.<sup>14</sup> This was a controversial decision to restrict those with the right to election as members of its Great Council. Established in 1172/3 under the Dogeship of Sebastiano Ziani, the Great Council initially consisted of 480 leading citizens whose members were elected for one year and who selected all of the public officials and named the select committee of eleven charged with electing the Doge. After early attempts to restrict membership on 5 October 1286 and again on 25 November 1289, finally on 28 February 1297 a proposal was approved to limit Council membership to a large number of the wealthiest merchant families whose membership was initially still determined by election (this decision was ratified in September 1298). But families who had failed to make the cut as the portcullis descended on the Great Council were initially not too pleased and their rumblings of discontent lie at the base of challenges to Venice's government in the early years of the *serrata*. A further restriction of permitted families in 1307 was in part to blame for the attempted coup of 1310 led by Bajamonte Tiepolo and Marco and Piero Querini which resulted in the formation of the Council of Ten with which this chapter opened and whose members were given sweeping powers to address any perceived threats to the constitution. In 1315, the Venetians instituted their Golden Book (*Libro d'Oro*), a register of all male members of Venetian merchant families aged 18 and above who were deemed eligible for election to the Great Council and its numerous offices. By the terms of further refinements to the *serrata* in 1319, election of new candidates was no longer permitted, but rather the status of Councillor became automatic for all Patrician males aged 25 or above, with their position on the Great Council now hereditary, not by election, and with all declared noble.<sup>15</sup> Venice thereby created an hereditary aristocratic oligarchy headed by an elected constitutional 'monarch' all of whose wealth was not primarily land-based but rather based in trade. Office-bearing was rotated amongst this permanent oligarchy by election, usually for periods of one year or less, with only two offices, the six Procurators and the Doge, elected for life. Once a position had been held, you could not immediately be re-elected to the same position. Campaigning for positions was forbidden and once you were elected you were required to serve. Factionalism was, at least on the surface, resolved.

Above all, this Patriciate was determined to protect the office of Doge from any individual or familial ambitions. Their efforts to do so resulted in one of the most

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<sup>14</sup> One of the clearest of the many accounts of the Serrata is that of Cessi (1951) ch. 11.

<sup>15</sup> For the clearest account of the development of the Venetian Constitution, see Lane (1973), esp. chapter 11.

paranoid, finely choreographed of electoral processes, perfected and largely unchanged from 1268, and perhaps the most emblematic symbol of the Venetian republican enterprise. The ballots themselves were counted by an adolescent boy, the *ballottino* or ballot counter. By law he had to be a commoner, less than 15 years old, selected at random from the piazza outside the Basilica, taken from his family and installed in the Doge's Palace where he remained in the Doge's service until the Doge died. In each of the carefully observed stages of the electoral process that followed, no more than one family member could serve on any particular nominating committee. The process was as follows:

- First, thirty Electors were chosen by lot.
- Their numbers were then reduced by lottery to nine.
- The nine nominated a further forty candidates, each of whom had to be approved by at least seven of the electors to pass to the next stage.
- The forty were then reduced by lot to twelve.
- The twelve nominated a further twenty-five who each needed at least nine nominations from the twelve to make the cut to the next stage.
- The twenty-five were then culled to nine, and these picked an electoral college of forty-five (each of whom needed at least seven nominations).
- The forty-five were culled to eleven, who chose a final electoral college of forty-one.
- Each of these forty-one proposed one candidate, each of whom was discussed and, if necessary, examined in person.
- After this stage, each of the forty-one electors cast a vote for every candidate of whom he approved. The candidate with the most approvals was the winner, provided that he had been endorsed by at least twenty-five of the forty-one.
- But even at this stage he was then required to be endorsed by the entire Great Council before his name could be proclaimed to the city and his formal coronation ensue.<sup>16</sup>

The 'winner' of this highest of offices had to sign a *promissione* (a set of rules for his conduct in office). His wife (if he had one) had to be installed on a separate date to his own inauguration to avoid any semblance of the coronation of a 'royal' couple. He could not leave the Palace without permission, and he had to cease trading lest his business interests interfere with his impartiality.

Being locked in as eternal members of the ruling patriciate solved issues of factionalism but brought other problems in its wake. Whilst initially there was still some mobility within the ruling body, between 1414 and 1422 further constitutional tightenings of patriciate membership insisted on proof of legitimate descent, and endogamy was rigidly enforced with marriages and births within the noble class noted down meticulously. Endogamy might guarantee the purity of the ruling body, but it placed

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<sup>16</sup> For a detailed analysis of the process see Coggins and Perali (1998).

enormous strains on the marriage market. In Jutta Sperling's words: "Blinded by their success in governing an 'immortal' republic, the nobility was locked into a pattern of self-reproduction and self-representation which functioned only under the condition of hermetic enclosure and analytic impenetrability."<sup>17</sup> By the seventeenth century, the Great Council began to resort to selling titles for membership – admittedly at a hefty 100,000 ducats, but for sale none the less. Moreover, families initially selected when financially strong might, after a few generations, become impoverished and yet still be tasked with upholding the dignity of the Republic in their manner of life. Nobles in this predicament could be housed at the government's expense in genteel poverty in accommodation adjacent to Campo San Barnaba, and hence their nickname – *Barnabotti*. In receipt of a small pension, and banned from commerce, members of the *barnabotti* could gather before critical votes in the Piazzetta adjacent to the Doge's palace and sell their votes. As with all republican regimes, money and influence were hard to suppress from central power. And unsurprisingly, therefore, despite the elaborate theatre of impartial election to the Dogeship, the same key families tended to dominate this highest of positions – Contarini, Grimani, Morosini, Mocenigo, Donato and so on.

Venice was always oriented eastward in its trade. The Columbian discoveries across the seas to the west were of intellectual interest to Venetians as 'armchair travellers' as Elizabeth Horodowich has eloquently argued rather than as new trading possibilities.<sup>18</sup> Venetians were much more interested in activities of Portugal in India.<sup>19</sup> However, in the end their decision to keep to well-worn trading pathways to the east meant they missed the boat, quite literally. Increasing inroads by the Ottomans and painful loss of territories of its *Stato da Màr* meant that even their control of the eastern spice and cloth trade was increasingly compromised. The ensuing loss of control of this trade had a slow but ultimately irreparable effect on the economy. By the end of the eighteenth century, Venice's empire was largely reduced to its *Terraferma*, although this was still an extensive landholding extending from Bergamo in the west, Cadore in the North, and Polesine in the south (not counting its remaining maritime dominions along the Dalmatian coast).

Across the centuries, against voices of dissent and encroaching threats, Venice responded with a myth-making machinery that for many years posed problems for historians trying to uncover the lived reality of the city. Although it had medieval origins, the so-called 'myth of Venice' was most perfectly articulated by Gasparo Contarini, Venetian ambassador to Emperor Charles V, in his *De magistratibus et Republica Venetorum* published in 1543 and then published in a more expansive Italian edition in 1591 by the famed printing press of Aldus Manutius with additional contributions

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<sup>17</sup> Sperling (1999) 6. See also Chojnacki (1994) 341–358.

<sup>18</sup> Horodowich (2018).

<sup>19</sup> Dursteler (2001) 43–64.

from other humanist authors, as *Della Repubblica et Magistrati di Venetia*.<sup>20</sup> Though others began peddling a counter myth that posited the city as imperialistic, treacherous, and self-serving,<sup>21</sup> in 1605 Giovanni Botero in his *Report on the Venetian Republic* could hyperbolically declare that the city “appears to be a heroic and suprahuman, even heavenly and divine achievement to have preserved itself without change for so many centuries.”<sup>22</sup> Almost two centuries later, on the eve of the French Revolution, though no longer at the peak of her diplomatic or economic powers, there was still much to be said, however, for Botero’s argument that, due to her balance of monarchical, aristocratic, and democratic elements, the Venetian republic could be considered the first political system to have escaped the wheel of fortune – the trope which so agonised other theorists such as Machiavelli in reflecting upon the demise of the Florentine republic. But Fortuna finally cranked her wheel decisively against Venice in 1797.

The key debates regarding the fall of the republic revolve around whether it was internal decadence or external aggression that were ultimately responsible. J.C. Davis was key in proposing the former theory in his *The Decline of the Venetian Nobility as a Ruling Class*,<sup>23</sup> and certainly many contemporaries held similar views.<sup>24</sup> In such a theory it is T.S. Eliot’s view of a whimpering end to a world that once was which prevails, in which the ruling class had become decadent, lax and complacent. By contrast, David Laven in questioning whether the fall of Venice was a result of murder or suicide, provides a compelling counternarrative in which Venice, no matter its problems over the course of the eighteenth century, was not yet ready to die of its own volition, but was, rather, slaughtered by forces completely outside its control.<sup>25</sup>

On 9 March 1789 Ludovico Manin, was elected Doge. Manin came from a family originating in Friuli in the Venetian *Terraferma*, one of those who had entered the Great Council with a payment of 100,000 ducats in the eighteenth century. This first Friulian doge was to be the 120<sup>th</sup> and the last Doge of Venice.<sup>26</sup> Four months after his election, revolution broke out in France. When war was subsequently declared be-

20 Contarini *et al.* (1591). Contarini’s original Latin work has recently been translated into English, Contarini [1628] (2020).

21 Amongst many others in addition to Grubb (1986) cited above note 9, see Queller (1986) esp. 17–28; Finlay (1999) 931–944 who provides a summary of the previous historiography esp. pp. 930–931; Muir (1981). For increasing interrogations of elements of the myth in the late sixteenth century see De Vivo (2003) 159–176. Povoilo (2000) 491–520 provides an analysis of the fate of the ‘myth’ after the fall of the Republic. For an excellent summary of the latest approaches to Venetian historiography after ‘the myth’ see Horodowich (2004) 1–27.

22 Giovanni Botero, *Relatione della Repubblica venetiana* (Venice, 1605), 71r cited in Sperling (1999) 11.

23 Davis (1962).

24 See for instance those cited in Gottardi (1993) 12–17.

25 Laven (2002) 29–52 and esp. 30ff.

26 For his biography see Massironi and Distefano (1986) and Raines (2007).

tween revolutionary France and Austria on 20 April 1792, a young Napoleon Bonaparte was appointed general to face the Habsburg forces. As large swathes of Venetian territory lay between these forces, the Venetian patriciate had to make a rapid assessment as to their possible allegiances. Venice's once legendary coffers were now seriously depleted and the city did not have the wherewithal to furnish a large army to face the mounting revolutionary forces, nor did they wish to anger their nearby Habsburg neighbours. So Manin and his Councillors opted in favour of neutrality. But this neutral state found itself caught in the pincer action of both the belligerent forces. Napoleon began his march through the neutral Venetian territories to confront the Habsburgs and as he went he began fomenting dissent against the aristocratic oligarchy that ruled them. He demanded that Venice adopt a more representative government or he would force them to. On 4 May 1797 Manin implored his councillors to bow down to Napoleon's demands and, as summarised by Romanin, told them that: *el rifiuto non faria che portar l'eccidio de tutta la città, ed esponer loro stessi a un pericolo sicuro, mentre nel caso d'un attacco violento, i saria i primi sacrificadi*, "refusal will do nothing except lead to the massacre of the whole city, and expose themselves to certain danger, while in the case of a violent attack, they would be the first to be sacrificed."<sup>27</sup>

The only armed attempt to stop the forces of Napoleon were the Dalmatian *fanti da mar* – with their corps based on the fortress island of Sant'Andrea opposite the Lido at the entrance to the lagoon. Napoleon had sent a small fleet of ships towards Venice. As they entered the lagoon at this narrow and critical juncture, a cannon was fired which killed the admiral. This was to be the sole 'bang' of the Venetian defence. On 12 May 1797, with Napoleon's 4,000-strong army lined up on the shores of the lagoon, the Great Council met for the last time in its 1,100 year history and abdicated in favour of a revolutionary government controlled by the French military command. When the French troops entered the city that same day, the *fanti da mar*, assuming that the Republic would defend itself, refused to hand over their weapons and regimental flags and shouted their military cry "viva San Marco" whilst firing shots in the air. But it was an empty if valiant cry as they were forcibly boarded on ships destined to take them back to Dalmatia.<sup>28</sup> Three days later, on 15 May 1797, Ludovico Manin left the Palazzo Ducale forever. And so the more than thousand-year old history of the Republic of Venice ended.

If by resigning Manin and the Great Council had hoped to avoid destruction of the city by Napoleonic troops, they had seriously underestimated the greed and ambition of the man. The Napoleonic entry proved a despoilment on a legendary scale. Napoleon burnt the Venetian fleet, including the Doge's ceremonial gold-encrusted barge, the Bucintoro. He burnt the *Libro d'Oro*. He forcibly disbanded all the convents

<sup>27</sup> Romanin (1861) 158.

<sup>28</sup> Tabet (1998) 131–141.

and monasteries in the city and looted their art works. He took down the four horses from the façade of the Basilica di San Marco and sent them to Paris for erection atop the Arc de Triomphe. Everywhere the image of the winged lion, symbol of San Marco, was destroyed or defaced.<sup>29</sup> Perhaps his only act of benefit was to tear down the gates of the Jewish Ghetto in Cannaregio.

A provisional democratic municipality was set up in place of the Republic but later that year Venice and its former Doge faced further humiliation. At Manin's family villa, Villa Manin in Passariano, on 17 October 1797, the Treaty of Campoformido was drawn up and signed. By the terms of this treaty, signed by Napoleon and Count Ludwig von Cobenzl, the regions of the Veneto, Friuli, Istria and Dalmatia were ceded to Austria whilst France would retain Lombardy and Belgium and a retreat by the Habsburg forces from the German borders as far as the Rhine. The former Venetian Republic now became the Provincial Municipality of Venice within Austrian territory. In 1805, however, Venice was retaken from Austria and united with Bonaparte's newly proclaimed Kingdom of Italy. Napoleon's adopted son Eugène de Beauharnais was given the title *Prince de Venise*. Napoleon demolished the Church of San Geminiano facing the Basilica of San Marco across the Piazza, and installed in its place a neo-classical Palace, including a ball room, to be used by Eugène de Beauharnais (and himself when in the city), as rooms of state. When Napoleon's Kingdom collapsed, by the terms of the Congress of Vienna in 1815, Venice formed part of the Kingdom of Lombardy-Venetia under the House of Habsburg-Lorraine.

There was only one, briefly successful, attempt at re-establishing Venice as an independent republic. In 1848 Daniele Manin, whose grandfather's conversion to Christianity from his Jewish faith had been sponsored by Doge Ludovico Manin and hence the adopted surname, led a successful revolt against the Austrians. On 26 March 1848 he became President of a re-created Republic of San Marco but, just a year later, the Austrians regained the city.<sup>30</sup> Venice was never thereafter in charge of its own destiny. After the defeat of Austria by the Prussians in 1866, by the terms of the Treaty of Vienna, on 3 October, Venice was handed over to the newly formed Kingdom of Italy. On 2 June 1946, the results of a referendum transformed this Kingdom into the Republic of Italy. Rather gallingly, the former Republic of Venice that for 1,100 years had been the only uninterrupted continuation of the Western Roman Empire, now found and finds itself governed from Rome.

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<sup>29</sup> For a list of works of art plundered by Napoleon and his troops see Romanin (1861) X, 389–446. And also Zanon (2003).

<sup>30</sup> Ginsborg (1979).

## Epilogue or Eulogy?

A former Catholic Monsignor in the city of Venice once told me that an elderly Venetian gentleman had presented himself in the confessional imploring forgiveness for his inability to overcome his daily emotion of all-consuming anger; anger at what Napoleon had wrought upon his city. Yet, if everywhere the historical destructive efforts of Napoleon are visible in Venice, such anger could more properly and constructively be directed at the city's current despoilers – internal as well as external. One could write at length on the inabilities of the larger Republic of Italy to protect this most iconic yet fragile of cities which falls under its care. Venice confronts a further invasion, possibly deadlier than that of Napoleon, one of mass tourism in which she is exploited as the golden goose by a range of vested interests, including a strong body of Chinese investors.<sup>31</sup> In a speech to open the 15<sup>th</sup> Biennale Architettura on 27 May 2016, the city's Mayor, Luigi Brugnaro (elected June 2015), a resident of nearby Mestre on the mainland, declared to the outrage of the residents of the historic centre, *il futuro di questo Comune non è Venezia, è Mestre, dove c'è la gente che vive*, “the future of this Comune is not Venice, it is Mestre, where people live.” Whilst banners proclaiming *Venezia è il mio futuro*, “Venice is my future” were draped from balconies throughout the city in a flash mob initiative, quite what that future might be is increasingly worrying.<sup>32</sup> Already in 1988 Costa and Van Der Borg had identified Venice's maximum Tourist Carrying Capacity at 20,750 visitors per day, and no more than 7.5 million yearly presences.<sup>33</sup> Yet today the 49,139 Venetian residents in the historic city<sup>34</sup> are overwhelmed by 80,000 daily presences of tourists, some 30 million per year.<sup>35</sup> In 2019, on the eve of the COVID-19 pandemic, 1,617,945 cruise passengers arrived in the city's port and the controversy over the potential effects of dredging the lagoon near Marghera to make way for the large cruise ships to be docked there instead of the historic city's port has not abated.<sup>36</sup> Italy was the first and only G7 economy to sign up to the Belt and Road Initiative (23 March 2019). Though Giorgia Meloni refused to

<sup>31</sup> Salerno and Russo (2020) 1–20.

<sup>32</sup> The “Venezia è il mio futuro” flashmob initiative began on 2 July 2016, organized by several agencies, including Ambiente Italiano (FAI), Gruppo 25 Aprile, Italia Nostra, Masegni and Nizioletti Onlus, and l'Altra Venezia in response to Brugnaro's words. See, amongst many others, the blog commentary of Catozzi (2016).

<sup>33</sup> Salerno and Russo (2020) 5 citing Costa and Van Der Borg (1988) 21–26, 32–33. See also Bertocchi and Visentin (2019).

<sup>34</sup> Figure from the Farmacia Morelli ticker linked to the city's Registry office in Campo San Bortolomio 22 March 2024, which updates daily the population of the historic city. In 2001 the figure was 65,695.

<sup>35</sup> Calculating total tourist numbers is difficult and varies depending on whether you calculate ‘arrivals’ or ‘presences’, tourists who stay and day trippers. In 2020 Bertocchi *et al.* (2020) 512 estimated the number of day trippers at some 22 million people.

<sup>36</sup> See the initiatives of the Comitato No Grande Navi <http://www.nograndinavi.it> (seen 11.01.2025).

renew the agreement by its March 2024 deadline,<sup>37</sup> China's inroads to the Venetian economy are still considerable. Whereas in 1998 45 Chinese merchants were registered in the city, in 2020 that number had risen to 968. If the jury remains out as to whether the Republic of Venice died with a bang or a whimper, the latest iteration of the historical city of Venice may soon not have enough inhabitants or the strength to utter even a dying whimper.

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# A New Catilina or a New Cromwell? Napoleon Bonaparte and the Death of the First French Republic, 1794–1804

**Abstract:** After the proclamation of the new French Republic in the cauldron of war in 1792, political leaders such as Robespierre warned repeatedly of the dangers of a new Cromwell using the army to seize power. Even worse, the fledgling republic seemed vulnerable to a new Catilinarian conspiracy of counterrevolutionaries, a menace that republicans had learnt about from reading Cicero at school. Those who overthrew Robespierre and his allies in July 1794 congratulated themselves on having avoided both a new Cromwell and a new Catilina. Five years later, however, Napoleon Bonaparte melded both conspiracy and command of the army to seize power and finally to proclaim personal rule in 1804. Does the famous French case of the republic slide into autocracy prove the case of a fundamental vulnerability of republics to authoritarian rule, or was Napoleon's rise historically contingent?

The death of the first French Republic in 1804 is a famous case, almost the modern archetype, of the overthrow of a democratic republican regime by military *coup d'État* and its replacement by an autocratic regime. How had the golden expectations of 1789 and 1792 of a society based on popular sovereignty, freedom of expression, and respect for the rights of others, descended into the rule of a strong man by 1799? Is this best explained as a parallel to post-revolutionary upheavals elsewhere, as in Russia and China, where protracted international warfare and civil war created the circumstances where a powerful individual in control of the armed forces used them to reimpose order and authoritarian rule? Or, as conservatives have always argued, is there an inevitable, structural vulnerability of democratic, republican regimes to the temptations of populism? Or is there another explanation altogether?

By the summer of 1795 the experience-hardened men of the National Convention had steered the Republic founded in 1792 to what they felt was a safe harbour. The revolutionary armies had crushed internal counter-revolution and had expelled European armies from French soil by mid-1794. Whereas the Jacobins of 1793–1794 had insisted on the incompatibility of new France and old Europe, the new regime of the Directory made peace treaties with Prussia (April 1795) and Spain (July 1795) which were couched in terms which assumed the co-existence of sovereign states. With the creation of “sister” Republics in the Low Countries in 1795, these treaties signalled the transition from a war of revolutionary survival to one of negotiation and consolidation. The Republic would be a powerful state within Europe rather than at war with it.

After six years of conflict, popular participation and sacrifice since 1789, these pragmatic, chastened republicans also sought political stability against the claims of disaffected urban and rural working people and royalists. The radical democracy of the Year II (1793–1794) was tightly constrained by measures introduced during the “Thermidorian reaction” after the overthrow of Robespierre and his allies in July 1794. The National Convention, purged of the militant Jacobins who had secured military victories in 1793–1794 by the imposition of sweeping measures now dubbed “the Terror”, sought to secure the Republic through a revised constitution in August 1795 (the Constitution of the Year III according to the revolutionary calendar) based on “capacity” and a stake in society. France was henceforth to be governed by a representative, parliamentary regime based on property and age qualifications and the safeguarding of economic and civil liberties. The men of 1795 appended a declaration of “duties” to their constitution, exhorting respect for the law, the family and property. For them, the Revolution was finally over; France was to be a stable republic based on constitutional government, civil liberties, and property.<sup>1</sup>

The optimism of the men of 1795 was misplaced: within less than a decade France was an authoritarian regime ruled by an emperor. On 19 Brumaire Year VIII (10 November 1799), the members of the legislative body of the French Republic, the Council of Five Hundred, were driven out of their assembly by troops commanded by a thirty-year-old general, Napoleon Bonaparte. A decade of parliamentary rule was over. On 24 Frimaire (15 December), the new Consuls (Bonaparte, Sieyès and Roger-Ducos) announced that a new constitution would terminate uncertainty while being based on ‘the sacred rights of property, equality, and liberty’: “The powers that it institutes will be strong and stable, as they must be in order to guarantee the rights of citizens and the interests of the State. Citizens, the Revolution is established upon the principles that began it: it is ended”.<sup>2</sup> Napoleon subsequently used plebiscites to have himself appointed First Consul for life in 1802, and then as Emperor in 1804. Now the Republic itself was dead.

Revolutionaries themselves had drawn on historical precedent to warn of such dangers during the upheavals after 1789. After the proclamation of the new French Republic in the cauldron of war in 1792, political leaders such as Robespierre had warned repeatedly of the dangers of a new Cromwell using the army to seize power. Robespierre was accused of personifying exactly the same menace by his opponents.<sup>3</sup> Just as common in revolutionary rhetoric was the fear that the fledgling republic seemed vulnerable to a new Catilinarian conspiracy of counter-revolutionary autocrats. The texts which dominated the secondary school curriculum in eighteenth-century France — and which were to be referred to regularly by Robespierre and his

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<sup>1</sup> On the political history of the Directory, see Lefebvre (1964); Woronoff (1984); Lyons (1975); Sydenham (1974) Part II.

<sup>2</sup> Reproduced in Stewart (1951) 780.

<sup>3</sup> Benigno and Di Bartolomeo (2022); McPhee (2012) esp. chs 8–9.

generation during the Revolution — were written by the ancient Romans. Both Cicero and Sallust's accounts of the Catiline affair were widely known and they shaped how contemporaries understood conspiracy.<sup>4</sup>

Those who overthrew Robespierre and his allies in July 1794 congratulated themselves on having avoided both a new Cromwell and a new Catilina. Five years later, however, Napoleon Bonaparte melded both conspiracy and command of the army to seize power and finally to proclaim personal rule for life in 1804. Does this famous French case of the republican slide into dictatorship demonstrate the fundamental vulnerability of republics to populism and authoritarian rule, or had Napoleon used his control of the army to arrogate power, like Stalin or Mao Zedong after later revolutions? Or was Napoleon's rise historically contingent, the result of the Directory's decisions and shortcomings?

This chapter argues that there was nothing inevitable about the collapse of the French Revolution into autocracy by 1799, and that the seizure of power by Napoleon and his allies was as much the result of the political failures of the Directory as it was of the popular allure of strong, military government. Desperate to avoid the twin perils of royalist counter-revolution and Jacobin democracy, the Directory pursued religious, military, economic and social policies which could rely at the local level only on a narrow base of support. The negative response to what was seen as a "bourgeois republic" varied widely in form and political content but was everywhere visceral in its tone.<sup>5</sup> In the process the claims of the Directory to political legitimacy were sapped to the point where a determined élite could contemplate a seizure of power. The Directory dug its own grave, even if its demise was not inevitable.

By restricting political participation to the electoral process, except for those wealthy enough to be elected, the Directory sought to create a republican regime based on 'capacity' and a stake in society. To avoid a strong executive with its Jacobin taints, there were to be frequent partial elections to the Council of Five Hundred and rotation of executive authority. The Directory and its supporters across the country envisaged a path to progress between the thickets of, on the one side, *sans-culottes* and Jacobin militancy and, on the other, royalism and counter-revolution. The path would lead to a stable, harmonious land of prosperous farms and vigorous commerce, free from both the menace of egalitarianism and of noble and clerical nostalgia for the *ancien régime*. The republican élite practised a cultural politics of rewarding civic virtue and enterprise, inculcating respect for social order, while avoiding Catholic renewal, for which they expressed a dismissive tolerance. The regime would be defended by a functional, professional bureaucracy, and the armed forces. A new order

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<sup>4</sup> Cicero (1856). See Parker (1965); Kaiser (2007) 191–192, 200.

<sup>5</sup> The provincial face of resistance to its policies is explored, for example, in Lewis and Lucas (1983); McPhee (2016) chs 15–16; Sutherland (2003) ch. 8; Cobb (1972); Vovelle (1965) 287–304.

based on standing in society would therefore be more stable and have less recourse to violence than the government of the Year II.

This combination of a narrow social base and internal instability made the regime resort to draconian repression of alternatives and to a use of military force which was to be fatal. The regime's unpopularity and the cynicism with which it excluded the great majority of people from an effective political voice also resulted in a refusal to participate. In the national by-elections of October 1795, only about 15 per cent of the 30,000 wealthy voters went to the polls (and elected royalists almost exclusively). The wider electorate for local government elections often boycotted polls altogether as a sign of their opposition to what was seen as "the bourgeois republic". This withdrawal of peasants and artisans from formal political life did not, however, represent a hiatus in popular politics. In the south in particular, smouldering animosities from the early years of the Revolution and before were ignited by the policies of the Directory into violent attacks on the persons and property of local Jacobin opponents and the agents of the new regime.<sup>6</sup>

The framers of the Constitution of 1795 had hoped that by separating Church and State the deadly divisions unleashed by church reform might finally be staunched: the Church could run its own affairs as long as its clergy obeyed the law. The problem for the regime was that there were huge numbers of clergy among the *émigrés* on France's borders and unnerving electoral signs that many of those eligible to vote for deputies were open to a return of monarchy. The *émigré* clergy had no intention of compromising with the Revolution's changes. Many of them were able to return with policy changes after the 1797 elections, but their open opposition to the Revolution again landed them in trouble. The Jacobin armies had succeeded in expelling counter-revolutionary armies from French soil, but the war — and with it the problem of the *émigrés* — continued.

The commitment by the men of the Directory to hold true to the middle path between revolution and reaction always exposed them to the temptation of interfering with political choice, even that of the narrow electorate they had constructed. In Fructidor Year V (September 1797) their concern had been the resurgence of royalism, and scores of elections had been annulled. By the time of the elections of Floréal Year VI (April 1798), no fewer than 437 seats had to be filled. This time the lurch to the left by the electorate — 71 Jacobins who had voted for the death of Louis XVI in 1793 were elected — led to a purge of a different kind. A new *coup* by the Directors on 22 Floréal (11 May) prevented 127 Jacobin deputies from taking their seats and only 47 of 96 departments had their results left untouched. Alleged Jacobins were purged from the Ministry of War.

There was greater consistency in the Directory's foreign policy. The insistence in 1790 that the new France would never seek to impose its will on other nations jarred

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<sup>6</sup> Clay (2009); Lucas (1983) 152–194.

with the view, expressed trenchantly by Danton in March 1793, that France's "natural" borders in the northeast were along the Rhine and in the east and southeast the Alps. So Nice and Savoy had been annexed in 1792–1793. Once coalition armies were finally expelled from French territory in June 1794, the revolutionary wars became wars of expansion and security. "Sister republics" were created, starting in the Netherlands and Belgium in 1795, along the left bank of the Rhine (Cisrhenian Republic, August 1797), and in Switzerland (Helvetic Republic, March 1798).<sup>7</sup>

The continued impulse to make the Republic safe by expanding its borders fatally exposed the leadership of the Directory to the prestige of its generals. The Directory had placed Napoleon Bonaparte at the head of its campaign against Austria in Piedmont and Lombardy in March 1796. Over the next year his forces won a series of battles, creating sister republics, exacting huge ransoms and turning a blind eye to pillage. Anti-French rebellions were bloodily repressed. By late 1797 the Directory's foreign successes were reflected in a rhetoric increasingly referring to the "Grande Nation" rather than to the "sister republics", assuming a "civilizing" mission to take the Republic eastwards. This was a pivotal and durable shift in the relationship of revolutionary France with its neighbours and enabled generals such as Bonaparte to appear as the personification of national prestige when battles were won.

The treaty of Campo Formio with Austria, signed by Bonaparte on 27 Vendémiaire Year VI (18 October 1797), recognized a *fait accompli* and formally ceded to France most of Belgium, several islands in the Mediterranean, and part of Venetia. Austria recognized France's "sister" Cisalpine Republic, centred on Milan. The treaty also accepted the extension of the borders of France up to the Rhine, the Nette and the Roer rivers: the Cisrhenian Republic was now simply absorbed into extended French administrative departments. Bonaparte himself intervened in political debate in Paris to oppose Carnot's wish for a compromise peace settlement with Austria rather than total surrender: the young general was now as much a political as a military player.

The politics of the Directory had made many people deeply resentful. Now Bonaparte's string of victories in Italy and the hope that the Treaty of Campo Formio presaged a general peace created a frenzy of adulation. For example, to celebrate the victories in Italy and the Treaty, the municipal administration of Orléans erected a pyramid in Bonaparte's honour at a festival on 25 Pluviôse VI (13 February 1798). A priest composed a quatrain to be placed at its foot:

There he is, this heroic lover of the homeland,  
His valour has broken Italy's chains.  
The god of combat, the new thunder of warfare  
He is ripping the seas from England's control.

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7 Overviews of foreign policy include Doyle (2002) ch. 15; Godechot (1956).

Young royalists from the richest families of the city had taken to wearing their powdered hair in long tresses as a symbol of support for him.<sup>8</sup> Far from Orléans, in the small centre of Aurillac in the southern Massif Central, the hero of Campo Formio was again celebrated in song:

Oh, you magnanimous warrior  
Wise, humane Buonaparte . . .  
Receive the homage  
Of a triumphant people!<sup>9</sup>

Conflict with Britain continued and, while peace with Austria had been signed at Campo-Formio, hostilities recommenced in Italy. By September 1798 the French army had more than halved in size to about 327,000 from its peak of 732,000 four years earlier: this convinced the Directory that irregular army levies had to be replaced by an annual conscription of single men, through the Jourdan Law of 19 Fructidor Year VI (5 September 1798). The law, making all young men aged 20–25 years eligible to be conscripted by ballot for up to five years, sharply intensified the resentment of compulsory military service which had been latent or open since 1793, because it increased the numbers of healthy young men removed from the pool of household labour to fight on foreign soil in wars of territorial expansion. The resentment was the more acute because the law introduced a system of “replacements” whereby wealthy conscripts could buy a substitute from the poor or unemployed who had missed the ballot, contradicting the principle of universality.<sup>10</sup>

Those regions where the hold of the royal state before 1789 had been weakest (such as parts of the Massif Central, Brittany and the west) or which had been incorporated more recently into the state (the Pyrenees, parts of the southeast), particularly resented the deeper intrusion of the state’s exactions. Resistance to conscription often became part of a complex of refusal involving religious and ethnic antipathies: in Brittany and the west violent opposition known as *chouannerie* proved to be ineradicable.<sup>11</sup> In areas far from Paris, *insoumission* (refusal of conscripts to join the army) became endemic, often with the tacit approval of most of the community: *insoumis* continued to live and work as before, disappearing only when police appeared.

The beleaguered local authorities of the Directory became mired in endemic conflict with those refusing the demands of the state just as they were in occupied territories across the borders. In rural areas, where officials and the dwindling number of supporters of the régime were likely to be involved in agriculture, the use of personal threats, arson, and other destruction of their property could intimidate them into in-

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<sup>8</sup> Lottin (1836–1845) vol. 6, 154–155.

<sup>9</sup> Derne (2005) 50–51.

<sup>10</sup> Forrest (1989) 34–36.

<sup>11</sup> Forrest (1983) 92–120; Dupuy (1988) 306; Dupuy (2004) 233–234; Martin (2013).

action. By 1798, parts of the west, Massif Central and Pyrenees were virtually ungovernable.

The endemic protest of these years involved both males and females and, in many areas, linked resentment at the absence of the rituals and personnel of religion in community life with hostility towards conscription. Many others felt like the peasants west of Paris, of whom an administrator reported early in 1799 that they:

are not in the least partisans of royalty, the memory of tithes and dues being odious to them. They are quite happy that their harvests should have doubled since the extinction of game rights, they recognize and greatly value the possession of equality. Many of them have bought national lands and all have improved their position.

But, he added perceptively, that was further away than the recent memory of upheaval and sacrifice: the armies' victories were being bought with their sons' blood and the constant call to exercise their civic rights had left them jaded.<sup>12</sup>

Once again, the narrow electorate turned against the government. The elections of April 1799 returned few royalists, but only 66 of 187 endorsed or "official" candidates were elected, and the turnout was the lowest of any election; instead, most candidates were moderate republicans and one-quarter of them new to the legislature. On 30 Prairial Year VII (18 June 1799), for the third consecutive election, a *coup* was made, this time by an uneasy coalition of Jacobins, generals and others disaffected with the régime, purging most of the Directors.<sup>13</sup> Combined with chronic political instability within the narrowing circle of supporters of the régime and Napoleon's successes abroad, the situation was created where some of the great liberals of 1789, such as Talleyrand and Sieyès, were attracted to the promise of a strong executive.<sup>14</sup>

Through the Treaty of Campo Formio in 1797, France had gained seven formerly Venetian-ruled islands west of Albania and Greece and now treated them as integral to France. Bonaparte announced that "the Turkish Empire is collapsing day by day, and possessing these islands will allow us to support it as much as that is possible, or to take our proper share". He insisted that the islanders looked to the *Grande Nation* to restore "the science, the arts, and the commerce they have lost under the tyranny of oligarchs".<sup>15</sup> Most importantly, with the peace of Campo Formio, the war effort could now be focused against England.

British naval power in the Channel and the Atlantic was too great for the Directory to contemplate challenging, but the Foreign Minister Talleyrand articulated the strategy that a strong presence in Egypt and an alliance with the Muslim ruler of Mysore, Tipu Sultan, would threaten British trade routes to India, even its entire colonial

<sup>12</sup> See Boshier (1973) 286.

<sup>13</sup> Brown (1995) chs 8–9; Brown (2015).

<sup>14</sup> Langlois (1989) 57–65. On the Napoleonic period in general, see Lefebvre (1969); Bergeron (1981); Tulard (2009); Lyons (1994); Dwyer (2013).

<sup>15</sup> Coller (2013) 120–122.

presence there. Bonaparte's ploy to seize the Suez isthmus and control the overland route to India was warmly welcomed. On 19 May 1798 an army of 35,000 men left from Toulon, financed in part from forced levies from the sister republics. Bonaparte was just the man for the job, fascinated as he also was by Egyptian civilization. He warned his troops to have the same respect for Muslims as for Jews in France, and his proclamation to the inhabitants of Alexandria articulated a potent ideology of revolutionary zeal, military crusade and social order. But a subsequent clause was a salutary reminder of the costs of resisting his mission: "any village which takes up arms against the army will be burnt to the ground".<sup>16</sup>

The invasion was disastrous. In early August 1798, just two months after his arrival, the British navy almost obliterated Bonaparte's entire fleet near Alexandria.<sup>17</sup> In an atmosphere of political division in France, and military defeat and bubbling rebellion in Egypt, Bonaparte abandoned his troops. He had no orders to return to France, nor to leave his army. But, on 24 August 1799, taking advantage of a temporary British naval absence, he set sail for France, leaving his army under Kléber's command. On 8 October he landed in the south of France and began negotiating with commanders of the army to intimidate the regime into submission.<sup>18</sup>

Bonaparte had arrived at a chaotic but propitious moment for a general adept at propaganda and with a reputation for military heroics. Vast numbers of French people, in very different ways, were protesting against the consolidation of the Revolution in the hands of a distinct class of men prepared to take hard measures to protect their power. The sharp edge of economic deprivation was softened somewhat by several bountiful harvests and a return from revolutionary paper currency (the *assignats*) to metallic currency in 1798, but other sources of antipathy remained towards a régime which conscripted poor young men to fight in distant lands while advantaging the well-to-do. Indeed, Donald Sutherland has concluded that most French people were engaged in some form of rebellion against the Republic in these years; however, it was not the Republic as such that was being spurned, but rather the class politics of its self-perpetuating élite.<sup>19</sup>

Napoleon also appealed to those concerned about the breakdown of public order. He was remembered for his ruthless suppression of a royalist insurrection in Paris on 13 Vendémiaire IV (5 October 1795), which had left several hundred dead. Now his return coincided with a renewed eruption of *chouannerie* in the west, in response to renewed anticlerical measures by resurgent Jacobins in the Council of Five Hundred. By October 1799, some 10,000 rebels were armed: Le Mans was occupied and sacked, and the city of Rennes menaced. There were also large-scale but uncoordinated royal-

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<sup>16</sup> Laurens (1989) 75–77.

<sup>17</sup> Rapport (2013) 381–396.

<sup>18</sup> Dwyer (2007) chs 14–21; Collier (2011) ch. 1. Other accounts of Napoleon's rise to power include Crook (1998); and Asprey (2000).

<sup>19</sup> Sutherland (2003) ch. 8.

ist — or at least anti-republican — risings in the southwest around Toulouse. But having failed to enter Toulouse on 5 August, a rebel army of some five thousand men retreated south towards the Pyrenees. They took the small town of Carbonne, where they killed sixty-eight republicans, but were caught at Montréjeau, near Saint-Gaudens, on the 18th and up to two thousand of them were killed. Thousands more were taken prisoner or fled to their villages or to Spain.<sup>20</sup> Bonaparte's presence in Paris was now seen by some as an augury of domestic order.

Intensifying the hopes invested in Bonaparte was the desire for economic recovery through an end to eight years of war, inflation and trade blockades. Underpinning the interlocking tensions of religious resurgence and ecclesiastical disorganization, desertion and *insoumission*, political abstention and bitter feuds, were the Directory's economic policies. In an economy still on a war-footing, the abandonment of price controls in December 1794 had unleashed a massive spurt of inflation. By October 1795, the *assignat*'s purchasing power stood at just 0.75 per cent of its face value; by the following February, when the paper currency was abandoned, it was just 0.25 per cent. The difficulties for urban wage-earners created by unchecked price rises were worsened by the harvest failure in autumn 1795. Arguably the worst harvest of the century, and followed by a severe winter, the great subsistence crisis of 1795–1796 intensified the volatility of popular responses to the Directory. The rigidly *laissez-faire* policies of the Directory fuelled rampant inflation after 1795, benefitting army suppliers and large farmers but exacerbating the vulnerability of wage-earners. Despite a good harvest in 1798, the French economy was in tatters. In the textile industry, for example, the department of Bas-Rhin had only 146 master-weavers operating compared with 1,800 in 1790, and Basses-Pyrénées had only 1,200 people employed in the woollens industry compared with 6,000 a decade earlier.

The years of the Directory 1795–1799 had been characterized by the increasingly unstable rule of a narrow élite of propertied conservatives who shunned popular participation in politics and embarked on territorial expansion, opening the way for a possible military dictatorship. The Directory was chronically unstable not only because of the narrow base of its politics and the absence of a more powerful *raison d'être* than that of a stake in society. It also found it impossible to articulate a convincing and conclusive rationale for its foreign policy. Was it trying to create a continental commercial empire to rival that of England's maritime sphere? Or was its objective to create sister republics that would eventually transform the continent into a republican federation under French tutelage? Or was it just trying to find a way to create a durable balance of power? At various times all three aims were articulated, but the twin objectives of social order at home and victories abroad inevitably made attractive the idea of a strong ruler surmounting parliamentary squabbles.

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<sup>20</sup> Godechot (1986) ch. 6.

Events outside France further strengthened Bonaparte's appeal. Following the Treaty of Campo Formio in October 1797, the Congress of Rastadt had been convened in Baden between France, the Holy Roman Empire and ninety German states to consider compensation for the princes along the left bank of the Rhine. As the Congress concluded in April 1799, the murder of two of the French envoys triggered a new war against French expansion through a Second European Coalition. The window was further opened to the attractions of military rule by a brief turnaround in the fortunes of the army: in September 1799 an Anglo-Russian army was pushed out of Batavia, as were Russians and Austrians from Switzerland. For Sieyès, this was the moment when advantage might be taken to reform the structure of the Directory through military intervention.

Bonaparte was supported by his brother Lucien, aged just twenty-four, then President of the Council of Five Hundred, Sieyès and Talleyrand, two of the architects of revolutionary change in 1789–1791, and Fouché, a former priest from the Vendée turned radical Jacobin, infamous for his role in the repression of Lyon in 1793. There was nothing certain about their manoeuvre. Bonaparte's dramatic entry with troops into the Council was a gamble which almost failed: he fumbled his actions and was on the point of nervous collapse when his brother intervened with troops and overcame resistance.<sup>21</sup>

Many provincial Jacobins shared the deputies' outrage that an elected, republican legislature had been dispersed by the army but popular response to the military *coup* was, in general, one of "wait and see". In the plebiscite of Nivôse (December 1799–January 1800) on the Constitution of the Year VIII, Bonaparte's brother Lucien felt it shrewd to double the "yes" votes from 1.6 million to more than 3 million; only 1,562 men had supposedly voted "no". (Unlike the cases analysed by Lisa Hill later in this volume, claims of massive electoral fraud were not conspiratorial delusions under Napoleon.) The Constitution placed power effectively in the hands of the three Consuls. Now a three-hundred-member Legislative Assembly was to vote on legislation without discussion; a one-hundred-member Tribune was to discuss but not vote.

On 28 Pluviôse Year VIII (16 February 1800), just three months after seizing power, Napoleon issued an administrative decree which sharply restricted the powers of local government to the management of communal finances. The mayors of towns with more than 5,000 people were to be directly appointed by the First Consul, while all others were to be named by Bonaparte's departmental "prefects". Prefects had similar powers to the pre-revolutionary *intendants*, and local councils, elected for twenty years on a property qualification, were less democratic and unfettered than they had been since 1789. The court system, already made less accessible in 1795 by being concentrated in the 98 departments rather than 547 district capitals, was made more hier-

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21 Dwyer (2007) ch. 21, describes the unfolding of the *coup* as farcical.

archical under Bonaparte, both in terms of the gravity of procedural tone and in the more formal layout of courtrooms. What did not change was the fundamental assumption of the supposedly impartial application of a uniform set of laws by a professionalized college of magistrates. But these judges were to be appointed, not elected.<sup>22</sup>

Bonaparte had staged a military *coup* against a republic that had promoted him to general. But within two years of seizing power, Napoleon met some of the most pressing desires of French people, even if in so doing he created a precedent for the military taking decisive measures when politicians were deemed to be inept. He had moved to meet major sources of instability and disaffection. Foremost among them were the tens of thousands of *émigrés*, particularly priests, on France's borders. A decree of 29 Vendémiaire Year IX (20 October 1800) permitted *émigrés* who had not taken up arms to return; then, on 6 Floréal Year X (26 April 1802), the path was opened to all other exiles. With them came most of the exiled priests, convinced of the foolishness of the church's rallying to secular reform in 1789 and of the burning need, after ten years of divine retribution, for a purified Catholicism to reChristianize France. Napoleon would allow that in the interests of social order but was dismissive of hopes to recreate a past of tithes, monopoly of public worship and intolerance. On 15 July 1801 a Concordat was signed with the Papacy, and on Easter Sunday 1802 the bells of Notre Dame rang out to celebrate it. This was the signal for unchecked bellringing across the Republic, wherever bells still existed.<sup>23</sup> Now at last Bonaparte had both the broader support and the military power to secure his rule.

Napoleon's standing as the First Consul was reinforced at the Battle of Marengo, near Alessandria in Piedmont, on 14 June 1800, when his army drove Austrian forces from Italy. He was able to contrive to paint this as the decisive victory, rather than that of his rival general Moreau at Hohenlinden, near Munich, on 3 December that year, a victory which effectively ended the war with Austria. The treaty of Lunéville was signed with Austria on 21 Pluviôse Year IX (9 February 1801) and that of Amiens with Britain on 5 Germinal Year X (25 March 1802). The end (albeit temporarily) of war offered the chance for deserters to be amnestied, and for returning *émigrés* and priests to be reintegrated into their communities in a climate of reconciliation. The calm of the summer of 1802 created the perfect conditions for the plebiscite on the new Constitution of the year X (1802), by which Napoleon became Consul for life. The uncovering of a plot against him and mounting opposition from European rulers prompted him to appeal to the electorate to endorse him as Emperor for life in November 1804. As in 1802, the votes in favour were claimed to be 99 per cent; however fanciful this figure, almost three-quarters of eligible voters, some 3.6 million, had gone to the polls.

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<sup>22</sup> Taylor (2013).

<sup>23</sup> Corbin (1998) 32–40.

The Revolution was over. So too was a decade of fear of privation, violence and insecurity. Instead of the “man of virtue” as the embodiment of the highest ideals of the Revolution — civic integrity, personal sacrifice, modesty — Napoleon would offer the “man of glory”. The strong man also promised peace, freedom and stability, but his dreams of imperial grandeur would cost French people far more than had the securing of their revolution.

The régime of the Directory was not doomed to fail; nor were its achievements negligible. Just as Rafferty, Vervaeke and Dart argue in this volume for the years 52–49 BCE, in analysing the transition from Republic to Empire in France the years of the Directory should be considered as a regime in its own right with its own character and possibilities. And as Amy Russell has argued in her important contribution to this volume, we need to wary of imposing our own parameters of what constitutes democracy. The years of the Directory were an integral part of a revolutionary decade that further embedded the assumptions of popular sovereignty and citizenship, however curtailed, and new property relationships and markets became embedded in the countryside, a “commercial republicanism”.<sup>24</sup> At the same time, the régime slowly became more proficient in dealing with deserters, crime and political insurrection, establishing the bases for a “new security state”.<sup>25</sup> Paradoxically, however, the men of the Directory, by choosing territorial expansion over social welfare and democracy at home, created a new bureaucratic and military professionalism that Napoleon was to use to replace them after his *coup d'État* of 1799.

As Lynn Hunt, David Lansky and Paul Hanson argued long ago in their analysis of the political culture of the Directory:

the Directorial regime's resistance to the establishment of a party system was converted into a blanket suppression of all political activity. The elections which had so troubled the delicate Thermidorian balance were eliminated; appointment and co-optation were more straightforward and much more predictable than the encouragement of voter apathy. The Directory had made a mockery of electoral politics, and Napoleon took them at their word.<sup>26</sup>

For many political liberals, Napoleon's autocratic rule was a safer price to pay for guarantees of the basic reforms made in 1789–1791 and with safety from the threat of popular ‘journées’. As Annelien De Dijn reminds us in her thought-provoking contribution in this volume, the modern French experience should caution us against the glib explanation of challenges to democratic institutions as the result of “populism” rather than the outcome of unsettled élites making compromises in the interests of their preferred social order.

The decade of political upheaval and division left potent memories, both bitter and sweet, and a legacy of conflicting ideologies which has lasted until our own times.

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<sup>24</sup> Livesey (2001); Jainchill (2008).

<sup>25</sup> Luc (2002); Brown (1995); Brown (1997).

<sup>26</sup> Hunt *et al.* (1979) 758.

The Revolution was a rich seedbed of ideologies on a spectrum ranging from militant royalism through liberal constitutionalism and social democracy to the first articulation of communism. One of the most potent of the ideologies would be a myth, that of the Bonapartist “saviour”, the strong man who could stand above petty squabbles and deliver social order, prosperity and national glory. The memory of Napoleon would cast a long shadow.

Napoleon’s *coup d’État* of 1799 was emulated a half-century later by his nephew, Louis-Napoleon Bonaparte. In presidential elections under the new Second Republic in December 1848 Louis-Napoleon had drawn heavily and successfully on imagery of his uncle’s victories.<sup>27</sup> In subsequent parliamentary elections in May 1849, however, left-wing candidates made substantial gains and threatened to sweep to power in the spring of 1852 in elections for the assembly and the presidency, for which Louis-Napoleon was ineligible. The crisis for conservatives was resolved by Louis-Napoleon’s military *coup d’État* on 2 December 1851, emulating that of his uncle in November 1799. Unlike him, however, he waited only one year before using a plebiscite on the establishment of the Second Empire held in December 1852. The Second Republic was dead. Unlike the First Republic however, its overthrow triggered a massive insurrection, especially in parts of southern France, when up to 100,000 rural and small-town republicans took up arms in its defence.<sup>28</sup>

The Bonapartist myth of the order, glory and prosperity of the First Empire engendered a gilded legend and a cult according to which once again a great man would emerge to save France, even Europe, from social chaos, economic decline and international weakness. The appeal was made manifest in the emergence of Napoleon III, then General Boulanger, Maréchal Pétain, even Charles de Gaulle. According to Lionel Jospin, Prime Minister of France 1997–2002, and the Socialist Party’s candidate for president in 1995 and 2002, it has been a destructive myth. In 2014 he published a trenchant polemic titled *Le Mal napoléonien*, on the long-term consequences of the Bonapartist “adventure”. For Jospin, this authoritarian temptation is the opposite of a democratic civic culture, leading him to appeal for a renewal of public values: “instead of a mass of individuals buffeted by mass media and marketing, we must construct a people of conscious citizens, neither excessively sceptical nor too credulous, but exercising their civic rights and duties”.<sup>29</sup>

Jospin’s warning remains pertinent. In April and May 2021, serving members of the French military published two open letters claiming the country was heading for civil war. The first letter was published on 21 April, the sixtieth anniversary of a failed *coup d’État* against de Gaulle over his support for Algerian independence, and was signed by 1,500 mostly retired military personnel, including dozens of generals. It

<sup>27</sup> See Tudesq (1957); Dwyer (2018).

<sup>28</sup> Margadant (1979); McPhee (1992) chs 7–8.

<sup>29</sup> Jospin (2014) 230.

warned of the “disintegration” of France, targeting the “perils” of Islamic extremists and “the hordes from the *banlieue*” and threatening that military action could be necessary to “protect our civilizational values”. The second, anonymous letter accused President Emmanuel Macron’s government of “cowardice, deceit, perversion”, and attracted several hundred thousand signatures of support as government ministers lashed back at what they described as Pétainist menaces.<sup>30</sup>

The authoritarian impulse to overturn a republic perceived as lax, decadent and weak remains potent. The dangers of a new Catilina are slim — after all, he had repeatedly failed to win electoral support before turning to conspiracy — but those of a new Cromwell drawing on the allure of social order and a distorted historical narrative remain in the enduring Bonapartist myth, *le mal napoléonien*. Nevertheless, analysis of the pivotal moment 1794–1804 in modern French history suggests that republics are not killed by dictators but rather make themselves vulnerable to takeover when their leaders alienate themselves from their constituents by political chicanery, socio-economic exclusion, and military adventurism.

Comparative history analyses that rely on selective, distorted imagery of populist “dictators” to explain the death of democracies miss the point. As Steven Levitsky and Daniel Ziblatt have argued in the context of the contemporary United States, the survival of democracies depends more on the attention that its leaders pay to their healthy functioning.<sup>31</sup> In the words of the Australian political philosopher Duncan Ivison, “democracies die when democratic norms and institutions come apart”:

Healthy representative democracies are grounded in healthy civic practices of citizenship: those everyday relational practices of listening, participation, negotiation, and compromise, that in turn are nurtured and protected through appropriate material and institutional safeguards.<sup>32</sup>

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<sup>30</sup> Cf. <https://www.theguardian.com/world/2021/may/10/french-soldiers-accuse-government-of-trying-to-silence-warnings-of-civil-war> (seen 11.01.2025).

<sup>31</sup> Levitsky and Ziblatt (2018). A jaundiced example of the dangers of poorly researched comparative history is Newell (2016) part III, “The Eagles Will Drop Dead from the Skies: Millenarian Tyranny from Robespierre to Al Qaeda”.

<sup>32</sup> From Ivison’s Annual Academy Lecture to the 53rd Annual Academy of the Humanities Symposium, Ballarat, Australia, 2022, <https://humanities.org.au/power-of-the-humanities/democracy-re-gained-uluru-australian-citizenship> (seen 09.10.2023).

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## Part 5: **The Roman Republic and the Modern World**



Annelien de Dijn

# From Caesarism to Populism: An Intellectual History

**Abstract:** This chapter examines how the spectre of populism, first elaborated by Roman elites during the late Republic, reemerged in modern times. Even though various terms were used to denote this phenomenon over time – demagoguery, Caesarism or Bonapartism – the underlying analysis remained the same: the rise of populist strongmen is a natural byproduct of democratization. Democracies are supposedly prone to succumbing to charismatic leaders who, through their hold over gullible masses, draw political power to themselves. This ‘populist frame’ was used to explain the demise of the Roman Republic, the painful birth pangs of modern democracy in the late eighteenth century, the rise of dictatorships in Europe in the 1920s and 1930s and, finally, democracy’s current crisis. Thus, this chapter highlights the longevity of the populist frame. At the same time, this chapter also aims to show that there are good reasons to doubt the usefulness of populism as a frame for understanding the crises of democracy both past and present.

For the past decade or so, pundits on both sides of the Atlantic have been sounding the alarm about the rise of populism. Voters worldwide, they warn, seem increasingly eager to embrace strongmen such as Donald Trump, Viktor Orbán or Jair Bolsonaro. These politicians propose simple solutions to complex problems, scapegoat minorities, and spread lies about their political opponents. Thus, they entice gullible voters to vote for them, only to then dismantle democracy by silencing their opponents and undermining the rule of law. “Voters do not like to think that the world is complicated,” the German-American political scientist Yascha Mounk warned in his 2018 bestseller *The People vs. Democracy: Why Our Freedom is In Danger and How to Save It*. “They certainly do not like to be told that there is no immediate answer to their problems. Faced with politicians who seem to be less and less able to govern an increasingly complex world, many are increasingly willing to vote for anybody who promises a simple solution.” As a result, “authoritarian populists are on the rise around the world, from America to Europe, and from Asia to Australia.”<sup>1</sup>

By voicing these concerns, Mounk placed himself in a long intellectual tradition. For centuries, as I will show in this chapter, republican and liberal political thinkers in what we now call “the West”, have warned against charismatic leaders who, through their hold over the masses, draw political power to themselves. Various terms have been used to denote this phenomenon over time. Political thinkers have talked about the rise of demagogues, about Caesarism or Bonapartism. But the under-

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1 Mounk (2018) 38, 252.

lying analysis remained more or less the same: the rise of populist strongmen is a natural byproduct of democratization. Hence, if we want democracy to survive, it must be protected from itself. This is only possible by giving more power to an elite that can channel the will of the people and guide it in the right direction. This narrative, which may be described as the “populist frame”, was first developed in the context of the late Roman Republic. In modern times, it was used to explain the painful birth pangs of modern democracy on the European Continent, as well as the rise of dictatorships in the interwar period, before reappearing again in the context of the current crisis of democracy.

At the same time – and that is a second point this chapter aims to make – history shows that there are reasons to doubt the usefulness of populism as a frame for understanding the crises of democracy both past and present. Indeed, it might be argued that democracies, and in particular consolidated democracies (that is, democratic regimes that have existed for more than 25 years), are more resistant to the populist temptation than is usually assumed. At the same time, history also suggests that the populist frame is often misleading when used to explain episodes in which democracy did fall. The fear of populism thus obscures more than it reveals about threats to democracy both past and present.

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Fear of populism was first articulated by Roman elites during the late Republic.<sup>2</sup> Political thinkers such as Marcus Tullius Cicero idealized the “mixed constitution” as the best possible form of government, because it provided both freedom and stability. Simple forms of government, such as monarchy and aristocracy, completely excluded the people from decision-making, hence turning them into slaves. “The people that is ruled by a king lacks a great deal, and above all it lacks liberty, which does not consist in having a just master, but in having none,” Cicero explained. And the same thing was true for an oligarchy. When people were ruled by an elite, even if these ruled with “the greatest justice”, he maintained, their condition could still be described as “a form of slavery”.<sup>3</sup>

While critical of monarchy and aristocracy, Cicero also rejected democracy on the grounds that it gave *too much* power to ordinary people. ‘Excessive’ freedom, he claimed – quoting Plato extensively in support of this view – could only lead to licentiousness and tyranny. This was why, Cicero argued, a pure democracy was not a workable system. Hence, the only acceptable kind of government was a ‘mixture’ of monarchy, aristocracy and democracy. Exemplified by the traditional Roman constitution, such a mixed government gave ordinary people (or at least, ordinary male citizens) some say in government, but at the same time their power was balanced by that

<sup>2</sup> For a good overview of the ideology of Roman Republicanism, see: Morstein-Marx (2022) 391–407.

<sup>3</sup> Cic. *Rep.* 1.43.

of the 'monarchical' element – that is, the consuls – and the 'aristocratic' element represented by the Senate. In this manner both freedom and stability were safeguarded.<sup>4</sup>

Yet Rome's ideal, mixed constitution was increasingly under threat, Cicero and other members of the senatorial elite believed. In the second century BCE, ordinary Romans had grown increasingly disaffected with the status quo. Poor Romans objected to the fact that the spoils of their many victories had overwhelmingly gone to a few wealthy citizens, who had amassed huge agricultural landholdings exploited by slaves, while small landholders had been driven off their farms. On the other hand, the continued grip of a small elite on the political system caused much resentment. A small group of politicians, most of them elected as tribunes, who soon became known as the *populares* or popular politicians, tapped into this discontent. They shared a number of demands, notably for land redistribution, and they pleaded for reforms that would make the political system more responsive to ordinary Romans. They also looked for inspiration to the same charismatic leaders, of whom the brothers Gracchi were the most important.<sup>5</sup>

The *populares* were opposed by the so-called *optimates* or 'best men', in essence defenders of the political status quo who opposed any attempt to democratize the political system. Doing so, the *optimates* believed, would destroy Rome's mixed constitution, and hence its freedom. In their view, the Gracchi and other *populares* politicians were merely trying to enhance their own, personal power; by appealing to the people against traditional elites, they were trying to take power for themselves. Tiberius Gracchus in particular was accused of having royal aspirations: it was rumored that he wanted to make himself into a king. Even ancient historians, it should be noted, thought this unlikely. ("The combination against him [Tiberius Gracchus] would seem to have arisen from the hatred and anger of the rich,' Plutarch drily commented, 'rather than from the pretexts which they alleged.'<sup>6</sup>)

The *optimates* were prepared to go to extreme lengths to thwart the *populares* movement, frequently resorting to political violence. Shortly before he could secure re-election to a second, consecutive tribunate of the *plebs*, Tiberius Gracchus and three hundred of his supporters were clubbed to death by *optimates* hardliners and their bodies were thrown into the Tiber. A few years later, Tiberius' brother Gaius, together with about 3,000 of his supporters, met a similar end when he tried to revive Tiberius' legacy and achieve a much wider reform program. And this was not the last of it: several other *populares* politicians likewise met their end in this manner. The Senate, meanwhile, legitimized these political murders by giving consuls the power to act in any way they liked (including killing elected politicians) to preserve the state during purported states of emergency.

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4 Cic. *Rep.* 1, 70–71. For Cicero's theory of the mixed constitution, see: Lintott (1997) 70–85.

5 Beard (2015) 209–252; Wiseman (2008).

6 Plut. *Ti. Gracch.* 20.

The struggle between *populares* and *optimates* erupted anew two generations later, and now with fatal consequences for the Republic. A descendant from an impeccably pedigreed but impoverished family, Julius Caesar began his career as a politician with *populares* leanings, playing on the socioeconomic grievances of veteran soldiers and the poor. But it soon became clear that he was no Tiberius or Gaius Gracchus. He was more interested in furthering his own career than in democratizing the Roman political system. In 59 BC, Caesar achieved one of his most important ambitions when he was given command over the armies in Gaul, a rich province to be conquered. But he wanted more. Ten years later, as a victorious general at the head of his seasoned troops, Caesar famously crossed the Rubicon, the river that marked the northern boundary of Italy.

Caesar's power grab galvanized opposition among the *optimates*, and they rallied against him under the banner of liberty. Their rhetoric was strongly reminiscent of the arguments used by earlier *optimates* against Tiberius Gracchus and other *populares* reformers.<sup>7</sup> Just as Publius Cornelius Scipio Nasica (the politician who murdered Tiberius Gracchus) had done, Caesar's enemies accused him of aspiring to kingship. In Caesar's case, such accusations might have held more water. While Caesar's ultimate motivations and goals continue to be much disputed by historians, there are some indications that, especially toward the end of his life, he had wanted to do away with the republic altogether.<sup>8</sup> When attempts to defeat Caesar's armies failed, a small group of senators hatched a plot to assassinate him. Their motives were varied – many of the conspirators had supported Caesar during the civil wars with Pompey, but had come to resent his ever-growing power, or nursed personal grievances against the dictator. But there can be no doubt that the two leading conspirators – Marcus Junius Brutus and Gaius Cassius – were primarily motivated, as Caesar's most recent biographer has expressed it, by “a sense that to have one man possessing as much permanent power as Caesar was incompatible with a free Republic.”<sup>9</sup>

Of course, the *optimates'* opposition was to no avail. Caesar's murder only led to renewed civil war, resulting in the establishment of the Principate by Augustus, Caesar's designated heir. The mixed constitution disappeared – and with it, all talk of the need to protect Rome's freedom against popular demagogues.

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After the demise of the Roman Empire, fear of populism long lay dormant. Medieval political thinkers tended to glorify one-man rule rather than the republic or the mixed constitution. Following the cue of early Church fathers like Augustine, they saw the downfall of the Roman Republic and the subsequent creation of the Principate not as a

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<sup>7</sup> See Wiseman (2008) 188–221.

<sup>8</sup> For a discussion of Caesar's ultimate ambitions, see Goldsworthy (2006) 493–500.

<sup>9</sup> Goldsworthy (2006) 500.

traumatic loss of liberty, but as happy events, bringing about the restoration of peace and order. In this narrative, Caesar was portrayed not as a populist strongman, but as the wise founder of a divinely-willed universal monarchy. Augustus's long and peaceful reign was contrasted positively with the violence and upheaval characterizing the late Republic; this was seen as a marker of divine favor for monarchy.<sup>10</sup>

Yet the spectre of populism reemerged again in the wake of the Renaissance. Stimulated by the humanist rediscovery of antiquity, a republican movement took shape, first in northern Italy, later in countries like the Netherlands and England. Nurtured on classical texts that glorified the Roman Republic and its heroes, thinkers such as Niccolò Machiavelli or James Harrington propagated the republic, in which collective decisions were taken by citizens rather than by haughty kings, as a superior alternative to monarchy. Yet they worried as well about giving *too* much power to ordinary people. Reminding their fellow-republicans of “the ancient Demagogues of Athens, or popular Orators in Rome” who could “chain the hearts of the people to their own tongues, and lead them by the nose which way they please, to the accomplishing of any design whatsoever”, republicans such as Marchamont Nedham warned against manhood suffrage or unicameral legislatures.<sup>11</sup>

Early modern accounts of Roman history kept these ideas alive by uncritically echoing the *optimates* version of the Republic's demise. In his widely read *History of the Progress and Termination of the Roman Republic* (1783), for instance, the Scottish Enlightenment thinker Adam Ferguson squarely put the blame for Rome's civic strife with the *populares*. He described Tiberius Gracchus as “a popular demagogue” who had worked “to undermine the Roman constitution.” Similarly, Caesar and his cronies had been demagogues who “under pretence of zeal for higher measures of popular government than those they enjoyed, endeavoured to corrupt the people whom they meant to enslave.” By contrast, Ferguson portrayed the *optimates* as simply contending for the preservation of Rome's age-old liberty.<sup>12</sup>

By the middle of the eighteenth century, in short, classically-educated elites in Europe and its colonies had been primed to fear populist strongmen. This fear was further stoked by the painful birth pangs accompanying the advent of democracy a few decades later. In the fledgling American Republic, Shays's Rebellion fanned concern among elites about demagoguery. In the winter of 1786, a postwar economic downturn caused considerable hardship in Massachusetts. Farmers who could no longer pay their debts along with the heavy taxes imposed to pay for the war effort faced expropriation. Led by Daniel Shays, a veteran of the War of Independence, they armed themselves and tried to overthrow the state government.<sup>13</sup>

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<sup>10</sup> Millar (2002) 50–79.

<sup>11</sup> Quoted in Tahvanainen (2012) 100–101.

<sup>12</sup> Skjönsberg (2019) 842–865.

<sup>13</sup> Lienesch (1993) 161–184.

While Shays's Rebellion was easily suppressed by Massachusetts's elites, it succeeded in rattling quite a few of them. In response, the founders were led to argue for strong guardrails against popular demagogues. During the Constitutional Convention debates, Elbridge Gerry, the future governor of Massachusetts, warned against "the excess of democracy". "The people (. . .) are the dupes of pretended patriots," he argued. "In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute."<sup>14</sup> Gerry therefore proposed to introduce two-tier elections for the House of Representatives, a plan which was ultimately rejected by the Convention.

Other proposals designed to limit popular power, such as the indirect election of senators, and the creation of an independent court of constitutional revision, were more successful. Like Gerry's two-tier elections, these checks on popular power were meant to prevent the rise of popular strongman capable of overthrowing the republic. As Alexander Hamilton warned in the *Federalist Papers*: "History will teach us that, of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants."<sup>15</sup>

Fear of populism was fanned even more by events in France. The first attempt to introduce a democratic political system in Europe – the French Revolution of 1789 – ended in the military dictatorship of Napoleon Bonaparte. Napoleon's seizure of power was, of course, primarily made possible by his control of the military. But his dictatorship also came about with the approval of the French people (or at least of French men). In 1800, Lucien Bonaparte, Napoleon's younger brother, organized a plebiscite to ask for popular approval for the new regime – and won a resounding majority. When Napoleon's nephew, Louis-Napoléon, was elected president of the Second French Republic in 1848, this seemed to highlight once again that democracies were particularly susceptible to the populist temptation. In 1851, Louis-Napoléon confirmed liberal elites' worst fears when he overthrew the Second Republic with a *coup d'état* granting him dictatorial powers. Both this event, and the subsequent establishment of the Second Empire were legitimated with plebiscites, again underscoring the popular basis of Napoleon III's dictatorship.<sup>16</sup>

To many observers, these events confirmed the populist frame inherited from Cicero and other Roman *optimates*. There seemed to be a clear parallel between the fall of the Roman Republic at the hands of Julius Caesar, and the way in which both the First and Second French Republics had been brought down by popular leaders. On 19 Brumaire, the date of his *coup d'état*, Napoleon Bonaparte had been openly de-

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<sup>14</sup> Ketcham (2003) 47.

<sup>15</sup> Hamilton, Madison and Jay (2008) 13.

<sup>16</sup> Smith (2005).

nounced in the Council of Five Hundred as “Caesar, Cromwell, Tyrant.” His nephew Louis-Napoleon even deliberately played upon such associations, by code-naming his own *coup d'état* in 1851 “Operation Rubicon,” as well as by publishing an admiring biography of Caesar.<sup>17</sup>

Highlighting these parallels, the neologism “Caesarism” was coined to distinguish the reign of the Bonapartes from more traditional types of autocratic rule, notably hereditary monarchy.<sup>18</sup> The term was first introduced in 1850 by Auguste Romieu in a book entitled *L'ère des Césars*, which appeared in German a year after its French publication. A high-ranking official, Romieu was a supporter of Louis-Napoléon and he meant the comparison to be flattering. But soon the word also came in vogue among liberal detractors of the Bonapartist regime, as well as by those who feared for similar popularly-backed dictatorships elsewhere in Europe.

The English economist Walter Bagehot spelled these ideas out most clearly in his article “Caesarism as it now exists”, first published in March 1865 in the context of continuing debates about suffrage reform. Bagehot saw clear parallels between Julius Caesar, “the first instance of a democratic despot”, and the regimes of the two Bonapartes in France. Caesar had overthrown an aristocracy “by the help of the people, of the unorganized people” in whose name he subsequently claimed to govern. The two Bonapartes had followed this script as well. “The old Monarchies claim the obedience of the people upon grounds of duty. They say they have consecrated claims to the loyalty of mankind. They appeal to conscience, even to religion. But Louis Napoleon is (. . .) not the Lord's anointed; he is the people's agent.”<sup>19</sup> This is why Bagehot believed that only a limited extension of the suffrage was warranted. The masses were “infinitely too ignorant” to participate in government. Voting rights should be extended, he concluded, only to the “intellectual class of artisans.”<sup>20</sup>

Not everyone, it might be noted, agreed with those who thought in terms of what has been called “the great parallel” between the ancient Roman and modern French republics. In his *Eighteenth Brumaire*, Karl Marx dismissed this analysis and the term Caesarism associated with it as a “superficial historical analogy”. The economic conditions in the ancient and modern worlds were so different that Caesar and Louis-Napoléon could have “no more in common with one another than the Archbishop of Canterbury has with the High Priest Samuel.”<sup>21</sup> To Marx, Bonaparte's dictatorship did not result from the illiberal tendencies of ordinary people but was rather a product of class struggle in capitalist society. Terrified by the workers' uprising following

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<sup>17</sup> Prutsch (2020) 27, 82.

<sup>18</sup> For the history of the concept “Caesarism”, and more generally the elaboration of the “great parallel” between ancient Roman and French revolutionary history, see Baehr (1998) 89–164; Prutsch (2020); as well as the essays in Baehr and Richter (2004).

<sup>19</sup> Bagehot (1915) 316–323.

<sup>20</sup> Quoted in De Dijn (2020) 288.

<sup>21</sup> Marx (1925) 18–19.

the February Revolution, the bourgeoisie had welcomed the overthrow of the Second Republic and the establishment of the Bonapartist dictatorship, because it restored social order. As class struggle further intensified, Bonapartism would be replaced in turn by a proletarian dictatorship, and ultimately, a communist democracy.<sup>22</sup>

Another astute political observer, Alexis de Tocqueville, likewise rejected the Caesarism analysis, albeit for quite different reasons. In the first volume of *Democracy in America*, published in 1835, Tocqueville had warned that any attempt to resist the rise of democracy would result in a return to the despotism of the ancients rather than the mild monarchy of the Old Regime. But in the second volume of 1840, he offered a quite different analysis. He now emphasized that the form that tyranny would take in modern society, characterized by social equality, would be wholly novel and unprecedented. Modern despotism would be milder than the tyranny of Roman emperors such as Nero or Caligula. But it would also more pervasive and therefore more debilitating. In the absence of a hereditary nobility and other status hierarchies, there would be no independent centers of power capable of resisting central power. The new despotism would reduce the nation to “a flock of timid and industrious animals, with the government as its shepherd”.<sup>23</sup>

Yet for all his emphasis on the unprecedented nature of modern despotism, Tocqueville did continue to agree with key tenets of the populist frame. Just like Hamilton or Bagehot, Tocqueville believed that democracy was prone to despotism. Under conditions of social equality, men were imbued with a taste for independence, following their own mind, but also – paradoxically – with a love for strong government. This gave opportunities to “self-made men, who seem to be tied indissolubly to the cause of equality by birth, prejudices, instincts and habits”.<sup>24</sup> And again just like Hamilton or Bagehot, Tocqueville concluded that limitations on popular sovereignty were necessary to protect against despotism, although he put more stock in decentralisation and other reforms designed to curb central power, rather than an outright limitation of the suffrage.

By the late 1800s, in short, the populist frame had become deeply embedded into European political thought. Fear of popular strongmen, sparked by narratives about the fall of the Roman Republic, had been widespread even before the birth of democracy. But such fears had been further fanned by the painful birth pangs of democracy, in particular by the repeated failure of attempts to introduce democracy in France. Hence, nineteenth-century liberals had come to the conclusion that democracy needed strong guardrails against popular power, in the form of countermajoritarian

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22 For Karl Marx's critique on the “great parallel”, see Carver (2004) 103–127.

23 Tocqueville (2012) IV, 1252–1253. See also Richter (2004) 83–102.

24 Tocqueville (2012) IV, 1217–1218.

institutions such as, for instance, suffrage limitations, an aristocratic upper chamber or an independent judiciary.<sup>25</sup>

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At the dawn of the twentieth century, the German sociologist Max Weber made an attempt to steer the debate about democracy in a different direction. Weber was deeply influenced by Tocqueville's account of the rise of democracy. Just like Tocqueville, Weber believed that the growing equality of social conditions had made traditional monarchy impossible. Hence, in modern societies, authoritarianism would be far more pervasive and debilitating than it had been in the Old Regime. As traditional social hierarchies had been levelled, the rise of "a bureaucratic 'authoritarian state'" was to be feared. Such a state would have "only the appearance of parliamentary rule," with its citizenry being "'administered' like a herd of cattle."<sup>26</sup>

Yet Weber's antidotum for the danger of this new form of despotism differed quite fundamentally from that prescribed by Tocqueville and other nineteenth-century liberals. In Weber's view, the danger of bureaucratization could only be counteracted by what he called a "plebiscitary democracy" in which "charismatic leaders" through their immediate and personal rapport with the masses, could amass enough power to provide a counterweight to the power of the bureaucratic state. "Wherever mass democratic parties have been faced with major tasks," Weber explained, "they have been obliged to submit more or less unconditionally to leaders who had the trust of the masses."<sup>27</sup>

Weber's defence of plebiscitary democracy, however, failed to gain traction as the rise of communist and fascist dictatorships in the 1920s and 1930s sparked renewed concern about the illiberalism of the masses. In the wake of World War One, most European countries had introduced manhood suffrage, and some, like Germany, had also given voting rights to women. But this democratic revolution was soon followed by the rise of dictatorships in countries such as Russia and Italy, as well as, later on, Germany. This led many observers to conclude that the spectre of Caesarism was alive and well. In his 1917 *Decline of the West*, Oswald Spengler famously predicted that the democratic era would be followed by the "era of the Caesars", and this idea continued to be echoed until well into the postwar period. In his *L'ère des nouveaux césars* of 1957, for instance, Amaury de Riencourt sounded much the same bell. "As society becomes more equalitarian," Riencourt argued, "it tends increasingly to concentrate absolute power in the hands of one single man."<sup>28</sup>

<sup>25</sup> De Dijn (2020) 231–276.

<sup>26</sup> Weber (1994) 129.

<sup>27</sup> Weber (1994) 221–222. On Weber's attempt to rethink the category of "Caesarism", see Prutsch (2020) 177–182.

<sup>28</sup> Quoted in Prutsch (2020) 208. For a contemporary revival of this argument, but now related to the future of the European Union, see Engels (2012). With thanks to Frederik Vervaeke for drawing my attention to Engels' book.

Of course, both Bolsheviks and Fascists insisted on the novelty of their own regimes, with the latter coining the term “totalitarian” to describe their ideal state. Many observers agreed that there was indeed something unique about twentieth-century dictatorships and eventually the term “totalitarianism” superseded that of “Caesarism”. Nevertheless, as Margareth Canovan has argued, totalitarianism was often thought of as an intensified form of Caesarism rather than as something wholly without precedent. Franz Neumann suggested, for example, that whereas a “caesaristic” dictator combined “monopolized coercion and popular backing,” a “totalitarian” dictatorship went one step further. By controlling education, communication, and the economy, the totalitarian state was able “to gear the whole of society and the private life of the citizen to the system of political domination.”<sup>29</sup>

Again, institutions capable of checking popular power were propagated as the best antidotum against the new Caesarism. In his bestselling book *Revolt of the Masses*, published in Spanish in 1930 and translated into English in 1932, the liberal philosopher José Ortega y Gasset blamed the introduction of manhood suffrage for the rise of both communism and fascism. In Ortega y Gasset’s view, the 1930s were characterized by a “revolt” of the masses. The “the political innovations of recent times,” he warned, had resulted in “nothing less than the political domination of the masses.” The “hyperdemocracy” this had created posed a major threat to liberty, because it encouraged lawlessness; a disregard for the rights of minorities. In addition, mass rule encouraged the expansion of state power. Both Bolshevism and Fascism, Ortega believed, were “typical movements of mass-men”.<sup>30</sup>

Ortega y Gasset therefore argued for a return to the “liberal democracy” of the nineteenth century, in which sovereign power was limited by respect for minority rights. By this, however, he had not in mind so much rights guaranteeing ethnic minorities, but rather the rights of elite members of society, including their right to rule. In the old, liberal democracy, Ortega y Gasset wistfully wrote, “The mass asserted no right to intervene in [the functions of government and of political judgment in public affair]; they realized that if they wished to intervene they would necessarily have to acquire those special qualities and cease being mere mass. They recognized their place in a healthy dynamic social system.”<sup>31</sup>

Ortega y Gasset’s analysis was widely shared, as it is testified by the very success of his book. *The Revolt of the Masses* remained a philosophical bestseller in a number of European countries from the early 1930s to the late 1950s. In 1946, the German historian Friedrich Meinecke claimed that the masses were still “advancing” and described “Hitlerism” as a form of ‘mass Machiavellism’.<sup>32</sup> Similarly, in his influential 1952 book *The Origins of Totalitarian Democracy* the Israeli historian Jacob Talmon

<sup>29</sup> Quoted in Canovan (2004) 242–243.

<sup>30</sup> Ortega y Gasset (1932) 75, 92, 120–121.

<sup>31</sup> Ortega y Gasset (1932) 1–8.

<sup>32</sup> Müller (2011) 138.

described totalitarianism as “a dictatorship resting on popular enthusiasm”, and located its historical roots in Jean-Jacques Rousseau’s defence of popular sovereignty.<sup>33</sup>

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Fear of populism, in short, is deeply rooted in Western political culture. Roman *optimates*, early modern republicans, eighteenth-century revolutionaries and liberal elites in interwar Europe all worried that giving unbridled power to the masses would lead to the rise of demagogic strongmen and hence the transition to an autocratic regime. This fear was sparked by narratives about the fall of the Roman Empire, and subsequently fanned by the repeated failure of attempts to introduce democracy in nineteenth-century France, as well as by the rise of communist and fascist dictatorships in the aftermath of World War One.

Yet it is worth emphasizing that history also shows that populism can be seen as a spectre, a phantom, rather than as a useful tool for political analysis. Indeed, it might be argued that democracies, and in particular consolidated democracies (that is, democratic regimes that have existed for more than 25 years), are more resistant to the populist temptation than is usually assumed. At the same time, history also suggests that the populist frame is often misleading when used to explain episodes in which democracy did fall.

Roman history offers proof of this assertion.<sup>34</sup> As we saw above, for centuries narratives produced by the *optimates* about the fall of the Republic were uncritically accepted by European humanists and their pupils. Modern historians, however, tend to dismiss the *optimates’* explanation for the breakdown of the Republic as a self-serving justification on the part of the elites.<sup>35</sup> After all, during the Conflict of the Orders, Rome had been far from harmonious, so it was not as if discord had been fostered first by the *populares*. If anything, it seems more likely that it was the behaviour of the *optimates*—their violent opposition to the *populares* and their frequent recourse to political violence—that did much to delegitimize the republic, at least in the view of lower-class citizens.

Moreover, fiscal and military factors were paramount in the fall of the Roman Republic. Until 167 BC, Rome’s military was paid for by tribute levied on all propertied citizens. After these taxes were abolished, warfare came to be largely paid for by indirect taxation and tribute extracted from conquered provinces. This made the aristocratic elite far more independent from the citizenry at large. By 50 BC, moreover, the Roman Empire had come to span much of the then known world, and the riches to be reaped from the far-flung empire had increased manifold. As the rewards to be won

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<sup>33</sup> Talmon (1961) 6.

<sup>34</sup> For a similar point with regard to ancient Greek democracy and the threat of demagoguery, see Matt Simonton’s contribution to this volume.

<sup>35</sup> For a recent overview of the debate about the causes of the downfall of the Republic, see Morstein-Marx and Rosenstein (2010) 625–637.

from running the empire became ever greater, elite politicians and military strongmen were increasingly tempted to try to acquire control over these rewards, for the advancement of their own political ambitions. This was more important for Caesar's rise than his popularity among Roman plebeians.<sup>36</sup>

In addition, the history of modern democracies offers ample examples demonstrating the limits of the populist frame. Of all European countries, France has proved to be the most susceptible to the populist temptation: it had not one but two plebiscitary dictators, Napoleon Bonaparte and his nephew Louis-Napoléon, the founders of, respectively, the First and Second Empires. In both cases, it is important to note, these dictatorships came about in the aftermath of elite attempts to reverse revolutionary gains.<sup>37</sup> Once French democracy stabilized after 1871, it became much more resistant to Caesarism. In the late 1880s, for example, a charismatic military leader – General Georges Boulanger – again seemed to be on the verge of using his personal popularity to overthrow French democracy, just like Louis Napoleon had done. But when Boulanger's movement met determined resistance from republican political leaders such as minister of the interior Ernest Constans, it faded away. When threatened with arrest, Boulanger himself fled to Brussels, where he eventually committed suicide. The elections that followed in the wake of Boulanger's flight were handsomely won by republican candidates.<sup>38</sup>

A few decades later, Charles de Gaulle was also suspected of having Bonapartist aspirations. In 1958, the Fourth Republic was overthrown by dissident army officers and Gaullists amid the turmoil created by the Algerian War of Independence. With France on the brink of civil war, De Gaulle created a government of national safety and introduced a new constitution creating a powerful presidency, which was approved by referendum with an overwhelming majority. In 1962, the General called a referendum to approve a constitutional amendment to allow the president to be directly elected by the people. On both occasions French elites worried that a populist dictatorship was in the making.<sup>39</sup> Yet when, ten years later, De Gaulle lost the voters' confidence amid the May 1968 crisis, he simply withdrew from political life.<sup>40</sup>

Similarly, historians are much more likely to attribute the breakdown of democracy in twentieth-century Europe to the agency of conservative elites than to the "masses". Fear of a communist revolution in particular encouraged conservatives to seek refuge in the arms of the extreme right. Mussolini's fascist party, for example, got just 19 percent of the vote in 1921 – and that was as part of a coalition with other nation-

<sup>36</sup> See the chapter by Vervaeke, Dart and Rafferty and that by Tan in this volume.

<sup>37</sup> See, for the First Empire, Peter McPhee's contribution to this volume. Under the Second Republic, conservatives attempted to roll back manhood suffrage, which allowed Louis-Napoleon to pose as its defender. This played an important part in the success of his 1851 *coup d'état*. See Price (2001) 1–40.

<sup>38</sup> Fulton (1991) 310–329.

<sup>39</sup> See e.g. Debray (1947).

<sup>40</sup> Jackson (2018).

alist parties. Mussolini nevertheless managed to take power in 1922, when he was appointed prime minister, thanks to the support of Italy's conservative elite, relying in particular on the full-throated support of King Victor Emmanuel III. Likewise, conservative politicians such as Paul von Hindenburg and Franz von Papen played a key role in the establishment of the Nazi dictatorship in Germany. When Hitler was appointed Chancellor after the November 1932 election, the NSDAP was already over its electoral peak, having declined to 33 percent from a high of 37 percent in July 1932.<sup>41</sup>

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And that brings us back to the present. The success of politicians such as the Hungarian leader Viktor Orbán, Donald Trump and Jair Bolsonaro has sparked a resurgence in long-standing fears that populist demagogues are a natural by-product of democracy. According to the influential political scientist Shawn Rosenberg, for instance, the rise of populism exposes “a structural weakness” inherent in democratic governance itself. Populism is a necessary consequence of the inability of most individuals “to meet the demands of citizenship in contemporary, multicultural democracies”.<sup>42</sup> Such analyses have been eagerly repeated by journalists and mainstream politicians. According to Hillary Clinton, for instance, populist strongmen employed the age-old formula of “bread and circuses”. “Keep people diverted, keep them riled up by appealing to their prejudices, give them a sense they are part of something bigger than themselves – while elected leaders and business leaders steal them blind. It’s a classic story.”<sup>43</sup>

But there are good reasons to reject this analysis in the present as much as in the past. In Europe, populist politicians have managed to undermine democracy in both Hungary and Poland. But these countries – which had only relatively recently made the move towards democracy – seem to be the exception to the rule. In Italy, for example, Silvio Berlusconi – the godfather of European populism – was in power almost continuously from 2001 to 2011. Nevertheless, Italy has not become a dictatorship. When Berlusconi failed to bail Italy out of a debt crisis in 2011, he lost his parliamentary majority, leading to his resignation as prime minister. While his political career did not end there, Berlusconi's multiple attempts to regain Italy's political leadership came to nothing. In the Netherlands, too, the short-lived participation in power of the populist party PVV from 2010 to 2012 had little or no effect on the functioning of Dutch democratic institutions.

Across the Atlantic, the populist threat appears at first glance to be more serious. In the US, the election of Donald Trump has not resulted in the death of democracy,

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<sup>41</sup> For Mussolini's power grab, see Williamson (2023) 47–74; for Hitler's see Beck (2011). For a more general analysis of democratic crises, emphasizing the role played by elites as opposed to ordinary citizens, see Bermeo (2003).

<sup>42</sup> Rosenberg (2020) 34–59.

<sup>43</sup> Quoted in Wintour (2018).

as many feared in 2016. Yet it is clear that Trump's presidency has caused enormous damage to American democracy. For example, his refusal to admit he lost the 2020 election has clearly undermined confidence in US political institutions. Three-fourths of his voters still believe the lie spread by Trump that he, not Joe Biden, was the real winner of the election.<sup>44</sup>

But the Trump case also illustrates how wrong it is to analyse this crisis of American democracy in terms of "populism". Trump lost the popular vote in both 2016 and 2020, coming to power only through the Electoral College. This institution was originally introduced by the founders of the American Constitution to keep demagogues out by reducing the influence of ordinary voters on presidential elections. More broadly, Democrats have won a majority of the vote in seven of the last eight presidential elections. To stay in power, Republicans are now trying to restrict the voting rights of certain groups of Americans as much as possible, ostensibly to prevent fraud. But it's clear that they are targeting groups of voters more likely to vote for Democrats, such as people of colour. Most observers therefore agree that democracy in the US today is mainly threatened by the elements in the political system that give disproportionate power to a minority of conservative, mostly rural voters.<sup>45</sup>

In Brazil, Jair Bolsonaro – unlike Trump – did come to power with a resounding election victory, gaining 55 percent of the vote, compared to 44.8 for his rival. But that happened after his main political opponents were eliminated through an activist judiciary. In 2014, Sergio Moro, then a judge in Parana, became involved in a large-scale political corruption investigation called Operation "Lava Jato", or "Car Wash". The operation led to the arrest of dozens of politicians, including Lula da Silva, Brazil's extremely popular former president, who was prevented from running in the 2018 elections. Meanwhile, it has become clear that Moro had a political agenda from the start. After Bolsonaro's election, Moro even took office as his minister of justice – a post he has since left due to dissatisfaction with Bolsonaro's Covid-19 policy.<sup>46</sup>

In short, the idea that democracy is under threat from a global rise of populist politicians might obscure more than it reveals. In their bestselling book *How Democracies Die*, Steven Levitsky and Daniel Ziblatt reject the view that freedom is under threat from "too much democracy". Rather, the support of elite insiders tends to be crucial for insurgent outsiders.<sup>47</sup> Both the past and present of democracy suggest first and foremost that consolidated democracies, such as 1960s France or Italy in the past two decades, are more resistant to the temptation of charismatic leaders than is commonly believed. Second, the success of so-called populist leaders in many cases has as much, if not more, to do with strategic elite support, such as Bolsonaro received from the judiciary, than with their charismatic hold on the masses. In other words, if we

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<sup>44</sup> Weiner, Clement and Guskin (2024); see also Hill's chapter in this volume.

<sup>45</sup> See Levitsky and Ziblatt (2023).

<sup>46</sup> Londoño, Casado and Andreoni (2020).

<sup>47</sup> Levitsky and Ziblatt (2018) 19–20.

want to defend our democracies against strongmen, we may need to worry less about the nebulous dangers of popular charisma and pay more attention to elites who facilitate the dismantling of democracy by authoritarian leaders. It might be time, then, to bury the concept of “populism” for good. Words are important in politics – they guide our thinking and therefore our actions. But the populist frame tends to lead us astray.

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Cristina Rosillo-López

# Dealing with Uncertainty: Cicero, Victor Klemperer and How to Cope with the Present in Moments of Crisis

**Abstract:** Building on the debate on the importance of hindsight in the study of the last decades of the Republic, this chapter discusses some methodological perspectives on how to analyse the past and the present and how to make justice to the experiences of those who lived through the period of the Late Republic and the transition to the Principate. Next, I offer a comparison on the strategies used by Cicero and by Victor Klemperer to cope with uncertainty in the turbulent times of the end of the Late Republic and the beginnings of the Nazi period. Their testimony is exceptional because both left a first-person account of the period (letters in the case of Cicero, and diaries for Klemperer) that was not rewritten afterwards. That analysis helps us to understand how to conceptualise and narrate moments of crisis and authoritarianism, and to incorporate uncertainty to historical narratives.

After his victory over Antony and Cleopatra at Actium, Caesar Octavian [the future emperor Augustus] returned to Rome. Among those who came forward to congratulate him, there was a man holding a raven that had been taught to say, “*Ave Caesar, victor imperator!*” Absolutely delighted, Octavian purchased the bird for a considerable sum. As was discovered later on, however, the owner of the raven had tried to cover all possible outcomes by training another bird. When the second raven was also presented to Octavian, it clearly uttered, “*Ave, victor imperator Antoni!*”<sup>1</sup>

This anecdote touches on a point central to this paper, namely, that uncertainty should be regarded as a relevant element in analyses of political transformations, and that we, as historians, ought to take into account its effects especially in moments of crisis. It is also necessary to consider the experience of uncertainty and the lack of hindsight of those who lived in the 40s and 30s BCE in order to gain a better understanding of their situation and subsequent answers and actions. After some theoretical and methodological considerations, the focus is placed here on the strategies developed by Cicero in the Late Republic and by Victor Klemperer in Nazi Germany, two people living in troubled times, for dealing with uncertainty, with the intention of identifying their coping mechanisms.

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1 Macr. Sat. 2.4.29.

## How should History be Narrated? The Question of Hindsight

Throughout his career, the professor of English and Comparative Literature Michael André Bernstein studied several aspects of the writing of history and the kind of rhetorical devices and even literary genres that historians use. In his slim but thought-provoking book *Foregone Conclusions: Against Apocalyptic History* (1994), Bernstein called attention to what he termed “backshadowing”, that is, reading back from a historical crisis or even catastrophe and seeing it as inevitable, thus negating the choices and experiences of those involved. Backshadowing is a kind of retroactive foreshadowing in which historians use their knowledge of the outcome of a period “to judge the participants in those events *as though they too should have known what was to come*”.<sup>2</sup> Through backshadowing, we, as historians, appraise the decisions of living people with respect to one of the many possible outcomes before it became a reality.

With an eye to testing this theory in the event of a major catastrophe, using the Shoah Bernstein examined how backshadowing produced a distorted view of this horrific episode. For instance, he warned against dismissing the attempts of the Austro-German Jewry to integrate into the Empire, believing that the murder of millions of Jews during the Holocaust was a possible outcome even decades before it occurred. This begs the question of why they did not try to avoid that grim fate. By approaching the issue from this perspective, historians take the high ground, expressing this to their readers along the following lines: “Look how plain it was; those fools did not see it coming.”<sup>3</sup> By imposing a reductively monolithic framework, the many ramifications of the subject are obscured, a course of action that E.P. Thompson called “the enormous condescension of posterity”.<sup>4</sup>

This kind of reasoning also tends to attach greater importance to certain events that were of no consequence at the time: thus, Bernstein quipped, referring to a Russian joke during the Brezhnev era:

A: What is the great world-historical event of 1875?

B: Vladimir Ilych Lenin turned five!<sup>5</sup>

This extreme type of foreshadowing, Bernstein admonished, is commonplace in biographies of people who lived in the first half of the twentieth century, alluding for instance to the birth of Hitler as a defining moment in their lives.<sup>6</sup> Although the birth

<sup>2</sup> Bernstein (1994) 10 (original emphasis). On foreshadowing: Morson (1994).

<sup>3</sup> On this kind of perspective found in biographies of Kafka and their interpretation of the writer as a prophet of the coming of the Third Reich, see Bernstein (1994) 11–12.

<sup>4</sup> Thompson (1966) 12.

<sup>5</sup> Bernstein (1994) 1.

<sup>6</sup> Bernstein (1994) (common in biographies of Kafka, for instance). Danto already warned against this: “No one came to Mme. Diderot and said: ‘Unto you an encyclopaedist is born’”, quoted in Bernstein (1994) 11.

of Octavian does not have such supernatural connotations in Late Republican narratives, he is often presented in 44 BCE as an exceptional young man, even as a proto-*princeps* at the tender age of 18, when in his contemporary opinion Cicero does not present him in such a flattering light.

Past events were once the future kind and erroneous predictions did not necessarily have to be so.<sup>7</sup> In an attempt to consider all the possible futures, what Bernstein termed “sideshadowing” allows historians not to consider an event as inevitable simply because it happened. In my opinion, moreover, it underscores the uncertainty of the period, thus providing a much more precise view. It should not be forgotten that none of the subjects of historical narratives knew what the future held in store for them. Insignificant events were also important at the time and only a true seer, should such a person really exist, or a historian from the future, might have been able to differentiate them from the really crucial kind.

How a story ends cannot fully shape our view of a period. In the case at hand, we should not judge the Romans of the Late Republic with the historian’s superciliousness and hold them in contempt for not having seen the inevitable demise of their political system or for not having acted in ways that, in our view as historians or as omniscient gods, would have stemmed the creeping tide of Augustan authoritarianism.<sup>8</sup> Considering the ethical implications of such a view, I agree with Bernstein’s calls for respect for people living at a time before such events transpired.<sup>9</sup> The daily experience of those alive during the period is a historical perspective that should be taken into account, rather than being considered ludicrous or directly dismissed as unimportant. It is not methodologically appropriate for historians to adopt the perspective of historical determinism.

This perspective is at odds with the consideration of historical accounts as a kind of narrative in which, as Habermas argued, events are constructed in relation to one another and within a story.<sup>10</sup> This teleological account undoubtedly has certain advantages, such as tracing the roots and causes of a certain event, but it should not be the dominant or even the exclusive historical point of view.

Sideshadowing “says only that few of these consequences are either necessary or consistently predictable, and it urges that multiple choices of action available at a given moment, and the realization that the present contains the seeds of diverse and multiple exclusive futures, be included in one’s understanding of what any single moment entails”.<sup>11</sup> This is the perspective that I have adopted here regarding the final decades of the Roman Republic when proposing that the study of extra-institutional politics in our accounts of that period helps us to grasp more precisely the moment

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7 Bernstein (1994) 14–15.

8 On the crisis of the Republic, see the contributions in this volume of Vervaeke, Dart and Rafferty, together with insights of Hillard and Beness, and Russell.

9 Bernstein (1994) 42.

10 Bernstein (1994) 16.

11 Bernstein (1994) 19.

and all the possible choices available at the time, thus avoiding a teleological approach to that moment of crisis. The history of a moment needs to be narrated in the most inclusive way possible.

Baragwanath has called attention to the existence of these issues in ancient historical narratives. When reviewing Herodotus' *Histories*, she suggests that the Greek historian and geographer selectively avoided hindsight in order to highlight alternative future possibilities that existed in the past: disregarding things that he knew but chose not to tell, mentioning other stories, omitting references to the future Athenian empire, using counterfactuals and so forth.<sup>12</sup> Thucydides employed similar techniques in his account of the Peloponnesian Wars (to the previous ones should be added that of reporting advice that was ignored), albeit to a lesser extent, with Xenophon occasionally following suit.<sup>13</sup> Hau has argued that it was no coincidence that Xenophon and Thucydides wrote about their own lifetimes, thus implying that they were aware of the possible futures: "After only a short temporal gap the possibilities that had been there, but had been closed off when other choices had been made, were perhaps more visible, more present to the memory, than for Polybius or Livy looking back over 200 years to the Theban hegemony or the Second Punic War."<sup>14</sup>

The analysis performed here may also be valuable for our present marked by the rise of authoritarian regimes. I hope that these reflections help us to understand more fully the extent to which we are absorbed by a political narrative that seems to predominate right now (considering it from a historical perspective) but which was only one of the many possibilities in France in 1789 or in Europe in 1930. Only by considering all those multiple possibilities and also the distorting perspective of hindsight can we, as historians, gain a clearer view of the challenges of the present and identify possible trends.

When reflecting on the period between the 50s and 30s BCE in Rome, it should first be understood that there are differences in the degree of hindsight applied to the analysis of the period, as evidenced by the Gruen-Crawford controversy. In 1974, Gruen published his book *The Last Generation of the Roman Republic*, in which, after offering a chronological account of the period, he arrived at a thought-provoking conclusion. By his reckoning, "politics operated very much as usual down to the eve of civil war. [. . .] Institutions remained intact", refuting at the same time the idea that the Republic was neither fit nor competent enough to govern an empire.<sup>15</sup> After dismissing Cicero's notion of the doomed Republic, Gruen unambiguously asserted,

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<sup>12</sup> Baragwanath (2013).

<sup>13</sup> For a full analysis, see Hau (2013). Hau (2013) 84: "By employing various techniques of sideshadowing, Thucydides ensures that, although his readers know how it is all going to turn out, still, at the same time, we also read as if things could turn out differently."

<sup>14</sup> Hau (2013) 86.

<sup>15</sup> Gruen (1974) 500 (quote), 502–503.

“Civil war caused the fall of the Republic – not vice versa.”<sup>16</sup> According to him, the Republic could have survived the civil wars, as it had done in the 80s and 40s, but the scale, extension and duration of those of the 30s way surpassed the previous conflicts. In sum, Gruen’s analysis was based on observing the Republic through the eyes of its contemporaries, instead of through those of people living later on and who knew about the victory of Augustus and the establishment of the Principate.<sup>17</sup>

In his review of *The Last Generation of the Roman Republic*, entitled “Hamlet without the prince”, Crawford dismissed Gruen’s point of view and, above all, his methodology, criticising the absence of hindsight, that is, knowing what came next. According to Crawford, it is impossible to write a history of the Roman Republic without taking into account its demise and the arrival of Augustus.<sup>18</sup> Maurin also agreed that Gruen’s analysis was flawed, for his work was based on prosopography which has clear limits for historical knowledge (lacunae, behaviour that goes beyond the individual sort).<sup>19</sup>

It is remarkable that this debate has been generally ignored and that, before and after Gruen, most historians have sided with Crawford and the use of hindsight. The debate has thus revolved around the conditions of instability, rather than of stability. In a stimulating paper, Grethlein has partially addressed the Gruen-Crawford debate by linking it to the concept of *telos*, to wit, the perspective from which narrative is constructed; indeed, he has studied narrative constructions in ancient historiography (Polybius and Sallust), while also applying them to modern narratives of the demise of the Roman Republic.<sup>20</sup> By choosing the *telos* of the victory of the *princeps*, a very different narrative is constructed. Nevertheless, Grethlein still underscores the importance of hindsight, along the lines of Crawford.<sup>21</sup>

Taking into account this debate on the degree of hindsight necessary or salutary to narrate the history of the final decades of the Roman Republic, and building on Bernstein’s considerations, I would call for eschewing all references to “how blind the Roman senators were” or how they “sleepwalked into military autocracy”.<sup>22</sup> The blindness of the Roman rulers is a common trope in many modern histories

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16 Gruen (1974) 504. Dismissing Cicero’s point of view of the Republic as unreliable: “Ciceronian hyperbole must be recognized for what it is. [ . . . ] Cicero too readily equates his own problems with the ills of the Republic. [ . . . ] The orator, it is clear, can serve as no reliable weathervane for the condition of the *res publica*”, Gruen (1974) 503.

17 Powell (2013) attempted to decipher alternative futures or narratives in the period immediately before the Battle of Actium.

18 Crawford (1976).

19 Maurin (1982) 828–829.

20 Grethlein (2014), linking the concept of *telos* to Koselleck’s “future past”.

21 Grethlein (2014) 327. For the historian’s experience of the past and the future: Hartog (2003).

22 Blindness: e.g. Augier (2020) 139–140. Sleepwalked: Woolf (2022) 183 and 186. In the *Doctor Who* episode “Twice Upon a Time” (Ep. 276), set in Ypres in December 1914, the time traveller called the Doctor meets a soldier, the grandfather of one of his close friends, who is about to die in battle. One of

of the Late Republic, which (1) does not do justice to the complex situation in which they found themselves; (2) does not consider the many possible outcomes that, occasionally, even seemed more likely; and (3) is methodologically inadequate: imposing our perspective of the future on them offers a distorted view of the period. Studying how contemporaries coped with uncertainty may help to fathom the problem.

## Strategies for Coping with Uncertainty: Klemperer and Cicero

Previous experiences of all-out war and even civil war in the Roman Republic had indicated that the political system was robust enough to cope with such conflicts; there might have been necessary changes that were more or less important, such as the granting of citizenship to the Italic peoples or even Sulla's reforms, but the past suggested that the *res publica* would continue unchanged. In fact, early first-century BCE Romans certainly could have been forgiven for thinking that the Roman Republic was an extremely resilient political entity, in light of the fact that it had managed to survive three simultaneous bloody wars: against the Italian allies (91–87 BCE), against Mithridates in Asia (89–85 BCE, including the massacre of around 100,000 Italian and Roman residents, also in 83–81 BCE) and a civil war (88–82 BCE, including the capture of Rome and fighting within its walls).<sup>23</sup> From a historical perspective, it was an impressive feat, difficult to match, taking into account the resulting strain on the political system and the citizenry. The wars brought about some changes in the political system and in legislation (mainly Sulla's reforms which for many, such as Flower, ushered in another Republic) but the Roman Republic endured.<sup>24</sup>

As to the question of how to cope with uncertainty in moments of crises and turmoil and how to narrate that story, I would like to draw a number of parallels between the coping strategies of Cicero and Victor Klemperer, a German philologist of Jewish origin who kept a diary of the period between 1933 and 1945. Both lived during turbulent times and political upheavals and wrote about them without the benefit of hindsight, namely, without any subsequent rewriting, although there was a process of selection (in both cases, done by other people than the authors). In my opinion, this dual analysis allows to reveal the multiple possibilities and to offer a non-teleological view of the current period.

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the most chilling moments is when the Doctor makes a passing reference to "World War One" and the soldier asks with a horrified and confused look, "But what do you mean, one?"

<sup>23</sup> For an analysis of the period, see Vervaeke (2023).

<sup>24</sup> See Morrell's contribution in this volume regarding the rule of law in the Republic.

Born into a Jewish family in 1881, Victor Klemperer was a professor of Romance Languages at the Technische Universität Dresden. The fact that he was married to Eva Klemperer (née Schlemmer) prevented him from being deported because she was an “Aryan” German and refused to divorce him, despite the hardship that this intermarriage caused her. Klemperer documented his life and experience of Nazi Germany in his diaries at great risk since, especially during the war, such material could have condemned him to death or deportation. His diaries also gave him material for his opus magnum, *LTI – Lingua Tertii Imperii: Notizbuch eines Philologen*, published in 1947, in which he offered an impressive account of the shifts and changes in language – with new collocations, words and meanings – imposed by the Nazis for the purpose of indoctrination.<sup>25</sup> Deprived of his job and forced to retire, banned from using the university library or even any public library, Klemperer kept mental breakdown at bay by keeping his diary and taking notes for his work on the changes in the German language, using propaganda, newspapers and magazines (when he had access to them) and conversations overheard on the street.

Klemperer died in 1960 and his diaries were published in 1995 to great critical acclaim, becoming a best seller. The editor, Walter Nowojski, selected approximately 1,500 pages from more than 5,000 pages of notes, written every day from 1933 to 1945. In Klemperer’s case, his notes probably were not intended for publication, despite the fact that they have become one of the most extraordinary information sources for the study of the Weimar Republic and the Third Reich. As to Cicero, he intended to publish some of his letters but others were clearly only for internal consumption (such as short messages or others of an extremely private nature). Klemperer’s diaries survived because his wife, Eva, took them regularly from Dresden to Pirna, where they were hidden in the house of a mutual friend, Ana Maria Köhler. There is a big difference between both works: Cicero was writing letters to other people, whereas Klemperer was writing a diary for himself. However, the important point for this study is that they were not rewritten or reworked, repetitions or contradictions were not erased and no attempts at self-justification were subsequently made.

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<sup>25</sup> It is a fascinating read which clearly illustrates the mental and political changes of the period. *Mutatis mutandis*, it would be worthwhile to perform a similar study on the changes occurring between the Roman Republic and the Augustan Principate: for instance, that between the Republican *populus senatusque* and the Augustan *senatus populusque* is no coincidence; on this formula, see Moatti (2017). Or even the disappearance of the customary Republican expression *res publica populusque Romanus* and the statement, made by Augustus in his *Res Gestae*, that he returned the *libertas* to the *res publica*, and not to the *populus* (Valvo [2001] 143–144). It had already happened during the rule of Caesar: in retrospect, in a letter dated June 44, Cicero remarks that he began to have his doubts about the *res publica* when he heard “that tyrant” being called “that most illustrious man” in a *contio* (Cic. Att. 15.20.1: *quod ais extrema quaedam iam homines de re publica loqui et eos quidem viros bonos, ego quo die audiui illum tyrannum in contione “clarissimum virum” appellari subdiffidere coepi*).

The published edition of Klemperer's diaries commences in January 1933, the year in which the Nazi Party came to power.<sup>26</sup> On perusing Klemperer, the overall impression is one of unavoidable doom and despair, for it is hard to read comments such as "this situation can't continue any longer" in 1933 or in 1935, in the knowledge that the road to May 1945 was going to be long and horrific; in point of fact, that hindsight is only made bearable by the fact that we know that both Victor and his wife Eva survived the Third Reich and the Second World War.

As to comparisons with Cicero, it is first important to be wary of making direct analogies, in the sense that Cicero's and Klemperer's experiences were very different. Focusing on authoritarianism as the core theme of the conference, and obviously eschewing all gratuitous analogies between Nazi Germany and the Late Roman Republic, I am interested in the experience of living through troubled times in which the future seems uncertain. Of course, Cicero's letters stop in 43 BCE, since he was assassinated that same year and, regrettably, we have no analogous account of the following decades and the slow changes that were brought about in the *res publica*.

## Conversations and Public Opinion

Regarding the question of how to address the Weimar Republic and the Third Reich in the 1930s without hindsight,<sup>27</sup> Klemperer used several strategies. First of all, conversations (many of them of a political nature) played a key role during those years. At the beginning of 1933, Klemperer was already calling attention to the fact that everyone had to be very much on their guard when engaging in political conversations with others; people were not to be trusted, with colleagues or acquaintances unexpectedly becoming fervent Nazi supporters.<sup>28</sup> It was not only his personal impression because he mentioned other people, such as Fräulein Weichmann, a teacher, who had had the same experience.<sup>29</sup> Having said that, political conversations with people whom he could trust were one of the safety valves that helped Klemperer to cope

<sup>26</sup> See Alcalde in this volume on Germany in the 1930s.

<sup>27</sup> I have chosen to focus on 1933 precisely because of the slow (or swift) changes occurring after the Nazis came to power.

<sup>28</sup> "We talked about politics – cautiously, since the windows were open" (17 March 1933). "Since telephone calls are unsafe, and since everyone is depressed, we constantly have nerve-racking morning or afternoon visits" (25 April 1933). "The conversations the same everywhere" (15 May 1933). The case of his friend Thieme is a good example: he turned out to be a Nazi sympathiser and, after many conversations, Klemperer finally ended their relationship. "I broke curtly and definitely with Thieme, who had declared his enthusiasm for the new regime. He phoned us with an invitation. I said, we did not want to come and I would like to end the telephone conversation, hung up" (15 May 1933).

<sup>29</sup> "Fräulein Wiechmann visited us. She tells how in her school in Meissen all are bowing down to the swastika, are trembling for their jobs, watching and distrusting one another" (22 March 1933). "No one breathes freely anymore, no free word, neither printed nor spoken" (27 March 1933).

with uncertainty. He recorded an early example of the contradictions of Nazi supporters in March 1933, when he happened to overhear a conversation at a cinema between a soldier and his girlfriend, seated next to him, about an advertisement:

He: "One really shouldn't go to a Jew to shop". She: "But it's so terribly cheap." He: "Then it's bad and doesn't last." She, reflective, quite matter-of-fact, without the least pathos: "No, really, it's just as good and last just as long, really, just like in the Christian shops – and so much cheaper." He falls silent. When Hitler, Hindenburg, etc. appeared, he clapped enthusiastically. Later, during the utterly American jazz band film, clearly with a touch of Yiddish at points, he clapped even more enthusiastically (31 March 1933).

There were probably several reasons why Klemperer recorded this anecdote, one of which was that it contradicted the official narrative of overwhelming support that was printed in newspapers, displayed on billboards and broadcast on the radio.<sup>30</sup> Furthermore, it paints a much more nuanced picture than the sweeping narratives of the period constructed by much later historians, such as Daniel Goldhagen with his *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (1996), in which it is contended that German political culture had been shaped for centuries by "eliminationist antisemitism", for which reason most of the population participated in the Holocaust. Another reason was that it prevented Klemperer from losing all faith in his fellow citizens.

Klemperer was very attentive to what he called "the mood of the present time", while shunning the official news:

Of the National Socialists' criminal and insane acts I only make a note of what somehow touches me personally. Everything else can be looked up in the newspapers. The *mood* of the present time, the waiting, the visiting one another, the counting of days, the inhibited telephone conversations and correspondence – all of that could be recorded in memoirs one day. But my life is coming to an end, and these memoirs will never be written (15 May 1933).<sup>31</sup>

Klemperer was wrong on both counts because he managed to live through the period and write his memoirs. However, he was very observant and only recorded what really mattered, to wit, public opinion, conversations and visits (strikingly similar to Cicero's experience of his own moment of crisis).

Another relevant aspect of Klemperer's account is that he carefully recorded aspects of extra-institutional politics, especially public opinion and jokes, the latter featuring prominently in his account. The first that he noted down was about emigration to Palestine ("An immigrant to Palestine is asked, 'Are you coming from conviction or

<sup>30</sup> On the collaboration or not of the German people (especially the actions and fate of the *Mitläufer*, those who collaborated for opportunistic and conformist reasons) and the debates and politics on collaborationism in Germany and France after the Second World War, see Schwarz (2017).

<sup>31</sup> As early as on 21 February 1933, Klemperer recorded in his diary, "I am not writing a history of the times here. But I shall nevertheless record my embitterment, greater than I would have imagined I was still capable of feeling."

from Germany?”) in May 1933, after which they became more frequent.<sup>32</sup> Again, jokes cushion the effects of uncertainty, allowing to circumvent official discourses and to craft and share narratives that go against the grain, thus allaying shared fears and anxieties.

However, before telling a joke, care should be taken to feel the pulse of the audience. Throughout history, humour has been a powerful way of undermining official narratives and power, and therefore an element to be feared and suppressed if necessary. Certain jokes cannot be told to everyone, as tangentially shown in *The Lives of Others* (2006, directed by Florian Henckel von Donnersmarck), a film set in the German Democratic Republic in which a young member of the Stasi tells a veiled political joke about Honecker at lunch, without realising that a superior is present. Much later, the young Stasi member appears in the background of a scene, having since been demoted to opening letters. All of which speaks for itself: jokes are to be feared and political comments are not suitable for all ears.

A noteworthy aspect of the letters that Cicero wrote in 49 BCE and especially in 43 BCE is the absence of rumours and public opinion, whereas both feature prominently in Klemperer's diaries. There are several reasons for this; first of all, Klemperer was progressively cut off from other sources of information, especially newspapers and magazines; secondly, there is Cicero's own nature and status, since he tended to focus only on certain information sources (from his close circle), rather than gauging public opinion through a wider array.<sup>33</sup> Furthermore, there is another important difference: Cicero played an active role in politics and policymaking, whereas Klemperer obviously did not. This was above all the case in 43 BCE: in his extant letters, Cicero talks mainly about military matters regarding Antony and much less about his political manoeuvrings against him. His incessant activity aimed at declaring Antony an enemy of the *res publica* and at pitting the Senate against him left little room for ruminations on uncertainty and the present.

## Analogies with Previous Historical Events

It is remarkable how many people have used the past and the experience of previous regimes, even ones remote in time, to understand the present and to cope with uncertainty in moments of crisis. As to Klemperer, he sometimes tried to achieve this by drawing parallels with past times: Is this worse than in 1918? Is it going to last longer

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<sup>32</sup> Palestine: "Sick joke, passed on by the Dembers" (22 May 1933).

<sup>33</sup> Rosillo-López (2017) on the difference between Cicero (who, we know, was already in an advanced stage of his political *cursus honorum*) and Caelius Rufus, a rising senator, in the attention that they paid to public opinion, with the latter devoting more time to the matter and diversifying his sources.

than the First World War? Will there be pogroms as in Russia? Will the regime last as long as Mussolini's?

For instance, at a certain point Klemperer read *Flight*, the account of the Fascist regime in Italy written by Nitti, a nephew of the former Italian Prime Minister, who had escaped from Lipari to Corsica in 1928:

Gripped by the exact analogies to *our* situation. The man is writing after five years of fascism and predicting its certain end. Meanwhile Mussolini has ruled for another five years and is absolute master. And here the thing has only been going on for five months, in fact even less. (30 June 1933, original emphasis)

The comparison with Mussolini's Italy was obviously a constant. Klemperer recorded a remark that Kühn, one of his acquaintances, made at an evening meeting:

He said Mussolini's regime corresponded to the tyrannies of the Italian Renaissance, it is therefore evidently compatible with the Italian psyche, and will last for example like the rule of the Medici, Este, etc., it is a 'southern' form of government. In Germany (and that is my opinion also after all) this form is nowhere to be found in its history, it is absolutely un-German and consequently will not have any kind of long-term duration. But for the moment it is organized with German thoroughness and therefore unlikely to be removed in the foreseeable future. (13 July 1933)<sup>34</sup>

Evidently, the enactment of an increasingly greater number of anti-Jewish laws turned Klemperer's mind to the previous centuries: "Mood as before a pogrom in the depths of the Middle Ages or in deepest Czarist Russia" (30 March 1933). The threats faced by Jews prompted him to reflect on his expectations of the times: "I have always imagined: the twentieth century and Mitteleuropa was different from the fourteenth century and Romania. Mistake" (30 March 1933).

Both Klemperer and Cicero had lived through a long war; the former had fought in World War One, whereas the latter had been a young man during the war against the Italians and the civil war between the partisans of Sulla and those of Marius and Cinna. Even though Germany was not yet at war in 1933, comparisons with the previous conflict were inevitable. It is remarkable that Klemperer focused not on the devastating experience of the four years of trench warfare but on the defeat of 1918 and the political collapse that ensued: "It is this utter collapse of a power only recently present, not, its complete disappearance (just as in 1918) that I find so staggering" (10 March 1933). But even then, for Klemperer there was a huge difference: "The defeat in 1918 did not depress me as greatly as the present state of affairs. It is shocking

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<sup>34</sup> Comparisons with Italy are a constant, always tainted with racism: after his friend and Nazi supporter Thieme told him about a "punishment expedition" of SA men against communists, Klemperer reflects, "If Italians do something like that – well, illiterates, children of the South and beasts . . . but Germans" (17 March 1933).

how day after day naked acts of violence, breaches of the law, barbaric opinions appear quite undisguised as official decree” (17 March 1933).

As to Cicero, the previous civil war and the proscriptions, which had ended just 33 years before, were still fresh in the mind of the people; many had been alive at the time, whereas others had heard first-hand accounts and stories about them.<sup>35</sup> It is important to recall that the sons of the proscribed – including, among others, the offspring of four *consulares*, seven *praetorii* and two former tribunes of the plebs – were still banned from participating in public life (and would remain so until Caesar’s victory, with few exceptions).<sup>36</sup> It also warrants noting that the prohibition did not only affect sons but might also have had consequences for daughters, for as their direct family members were banned from entering the *cursus honorum*, their marriage expectations were not as good as they might have been, as evidenced by the sources. Those wishing to pursue a career under Sulla felt compelled to divorce wives belonging to proscribed families. Cornelia, the daughter of L. Cornelius Cinna and married to Caesar, is not an isolated case; during Sulla’s dictatorship, M. Calpurnius Piso Frugi Calpurnianus divorced Annia, the ex-wife of Cinna, in order to promote his career.<sup>37</sup>

Mechanisms similar to those used by Klemperer can be appreciated in Cicero’s case, primarily when he attempts to compare the looming conflict or crisis to the previous ones. But Cicero was not on his own because in 51 BCE, when the conflict between Caesar and the Senate had become very serious, the consul Servius Sulpicius Rufus took the floor to remind the senators about previous civil wars: “I [Cicero] was myself present in the first period of your consulship when, after passing in review all the civil wars, you warned the senate in the most impressive terms, to fear those wars they remembered.”<sup>38</sup> Born in 105 BCE, Sulpicius Rufus had lived through all those conflicts.

In 63 BCE, during the Catilinarian conspiracy, Cicero urged the citizenry to bear in mind previous internal conflicts: “Indeed remember, citizens, all our civil conflicts, not only those that you have heard of, but those that you recall and have seen your-

35 D.C. 48.8.5–6. On the oral memories of the civil war, see Rosillo-López (2023).

36 D.C. 41.18.2. See Vedaldi Iasbez (1981), including a proposopography of the known sons of the proscribed. *Consulares*: L. Cornelius Scipio Asiagenus; C. Norbanus; Cn. Papirius Carbo; C. Marius the Younger. *Praetorii*: Q. Sertorius; C. Carrinas; L. Iunius Brutus Damasippus; Q. Antonius Balbus; M. Perperna (Veiento); M. Marius Gratidianus; C. Fabius Hadrianus. Tribunes of the plebs: M. Iunius Brutus; Q. Valerius Soranus.

37 Cornelia: Suet. *Caes.* 1; Plut. *Caes.* 1; Vell. 2.41.2. Annia: Vell. 2.41.2. However, Vedaldi Iasbez (1981) 210–211 noted that several sons of Sulla’s enemies managed to enter the *cursus honorum* because the influence of their families helped them to get their fathers removed from the list or to circumvent the prohibition: e.g. Caesar, Brutus, M. Plaetorius and M. Vergilius Cestianus. See Pina Polo and Rosillo-López (forthcoming).

38 Cic. *Fam.* 4.3.1: *cum accuratissime monuisti senatum collectis omnibus bellis civilibus, ut et illa timerent, quae meminissent.*

selves.”<sup>39</sup> The orator launched into a tirade against the wars between Sulla and Marius and the uncountable deaths, the Cinnan period and Lepidus’ rebellion. His intention was to present the Catilinarian conspiracy as a serious matter, yet the coping mechanism (in this case, of the audience) was similar.

At the beginning of the civil war in 49 BCE, many feared that the victor would act like a new Sulla.<sup>40</sup> This was the mood of the times: “What threats to the towns, to individual loyalists personally, to everybody, in fact, who stayed in Rome! How often did I hear: Sulla could do it, why not I?”<sup>41</sup> Once the war had started, and during the first days of uncertainty, Cicero drew analogies between the current situation and the past: “the same story of threatening speeches, alienation from the Optimates, hostility to the municipal towns, undisguised proscriptions—Sullas pure and simple”.<sup>42</sup> In his letters, written after the hostilities had broken out, Cicero actually feared that Pompey would reenact Sulla’s rule, expressing this trepidation several times in letters to Atticus: “For our friend Pompey has set his heart to a surprising degree on imitating Sulla’s reign. I am not speaking without book, I assure you. He never made less of a secret of anything.”<sup>43</sup> His fears were not unfounded for Pompey himself did not conceal such plans. This comment is relevant because Pompey was employing the same coping mechanism, namely, the comparison with the previous war, following exactly the same rationale as Cicero and Sulpicius Rufus before him.

Finally, predictions are a vain strategy for coping with uncertainty, but they do serve as a crutch in troubled times. Just before the elections in March 1933, Klemperer recognised his incapacity to make predictions because of the uncertainty of the situation: “[. . .] what is strangest of all is how one is blind in the face of events, how no one has a clue to the real balance of power. Who will have the majority on March 5? Will the terror be tolerated and for how long?” (21 February 1933). In order to make the most accurate predictions possible, Klemperer was always attentive to the signs of the times: “I’m constantly listening for ‘symptoms’” (12 April 1933), he remarked poignantly. Thus, he recorded the prevailing mood and the future prospects of his circle: “The dominant feeling [. . .] is that this reign of terror can hardly last long, but that its fall will bury us” (30 March 1933).

39 Cic. Cat. 3.24: *Etenim recordamini, Quirites, omnes civiles dissensiones, non solum eas, quas audistis, sed eas, quas vosmet ipsi meministis atque vidistis*. See Pina Polo (2018) 223.

40 D.C. 41.16.2–3. Regarding Sulla’s afterlife, see Eckert (2016).

41 Cic. Att. 9.10.2 (18 March 49): *si enim nihil praeter fugam quaereretur, fugissem libentissime, sed genus belli crudelissimi et maximi quod nondum vident homines quale futurum sit perhorruui. quae minae municipiis, quae nominatim viris bonis, quae denique omnibus qui remansissent! quam crebro illud “Sulla potuit, ego non potero?”*

42 Cic. Att. 9.11.3: *sermone minacis, inimicos optimatum, municipiorum hostis, meras proscriptiones, meros Sullas*.

43 Cic. Att. 9.7.3. (13 March 49): *mirandum enim in modum Gnaeus noster Sullani regni similitudinem concupivit. eidos soi lego. nihil ille umquam minus obscure tulit*.

Very much in line with the methodological considerations previously set out by Bernstein, Klemperer mentioned other possible futures which allow us to gain further insights into the uncertainty of the times:

I have the impression of swiftly approaching catastrophe. That the right wing cannot go on participating much longer, cannot put up with the National Socialist dictatorship much longer, that on the other hand Hitler is no longer free and that the National Socialist are urging ever greater use of force. (3 April 1933)

On a visit to some friends in July 1933, Klemperer met Jule Sebba, a well-off lawyer and specialist in German maritime law, who was emigrating to Palestine to open a business in Haifa. Sebba made very detailed (but wrong) predictions about the possible situation in the following months:

He said the boycott against us was very tight. The regime will maintain itself for a while with tyranny and the most extreme coercive measures like bread rationing, wage reductions, inflation, perhaps last the winter, perhaps even longer – but *then* there will be an unimaginable and bloody chaos. Because after the fall of this government there would be no ‘fall-back position’ because it has destroyed every organization. (9 July 1933, emphasis in original)

Pondering on uncertainty was a coping mechanism very much on Cicero’s mind at the beginning of the civil war in 49 BCE, especially when he was still hesitating about whether or not he should support it. In a letter to Servius Sulpicius Rufus, after reviewing the chaos, the war and the absence of laws and justice, he reflected on this matter: “Thus it is impossible for me to have the slightest idea what I can hope for, nor even what in the circumstances I can dare to choose”.<sup>44</sup>

Contemplating possible futures, as Klemperer did, is another recurrent coping mechanism. For once, we have a direct non-Ciceronian source in this respect, viz. Decimus Brutus Albinus, writing to his fellow conspirators Brutus and Cassius a few days after the murder of Caesar. After informing them about his interview with the pro-Caesarian Hirtius, Brutus Albinus envisaged several possible outcomes:

‘What then’, you ask, ‘is your advice?’ Well, we must bow to fortune; I think we must get out of Italy and migrate to Rhodes, or somewhere or other; if there is a change for the better, we shall return to Rome; if there is not great change, we shall live in exile; if it comes to the worst, we shall have recourse to the last means of defending ourselves.<sup>45</sup>

Cicero also mulled over possible futures, especially in the aftermath of the Ides of March. In a letter to Atticus a month after Caesar’s murder, he pondered on what

<sup>44</sup> Cic. Fam. 4.1.2: *itaque mihi venire in mentem nihil potest non modo, quod sperem, sed vix, iam quod audeam optare* (21 or 22 April 49).

<sup>45</sup> Cic. Fam. 11.1.3: “*Quid ergo est*”, inquis, “*tui consili?*” *Dandus est locus fortunae: cedendum ex Italia, migrandum Rhodum aut aliquo terrarum arbitror. Si melior casus fuerit, revertemur Romam; si mediocris, in exsilio vivemus; si pessimus, ad novissima auxilia descendemus.*

might have been had Brutus and Cassius convened the Senate straightaway.<sup>46</sup> Considering the uncertainty of a possible war, however, Cicero was convinced that in those matters, chance was more powerful than design.<sup>47</sup> This was a recurrent thought in the complicated months following the Ides of March.<sup>48</sup> Plutarch, a non-contemporary source, also contemplates possible futures in his narrative, especially at the moment when Caesar deliberated on whether he should cross the Rubicon or not: “if he crossed, how great the ills which it would bring upon the world; how great the story of it they would leave among later generations”.<sup>49</sup>

“The future is quite uncertain,” Klemperer declared on 31 March 1933. In the cases of Klemperer and Cicero, all these strategies do not conceal the uncertainty of the present times, the myriad of possible outcomes or the nebulous future.<sup>50</sup>

## Conclusions

Nothing is or was inevitable. I have suggested that taking into account the experience of hindsight is decisive for it paints a much clearer picture of a moment (any moment) of crisis. Recovering contingency and the diverse possibilities and restoring them to their rightful place in the historical narrative is also a way of engaging with the uncertainty of a given moment. Too much hindsight makes us treat our subjects of study unjustly, converting us into omniscient gods incapable of understanding the decisions of mere mortals.<sup>51</sup> The study of mechanisms for coping with uncertainty and the fog-giness of the present are corollaries of such arguments. Only by considering them seriously are we able to paint a comprehensive and much more accurate picture of our period of study and of the actions and decisions of those alive at the time. The study of the coping mechanisms adopted by Cicero and Klemperer in moments of crisis marked by the rise of authoritarianisms suggests that the human condition seeks comfort in conversations, in comparisons with the past and in predictions, in order to mitigate the psychological impact of uncertainty.

<sup>46</sup> Cic. Att. 14.10.

<sup>47</sup> Cic. Att. 14.13.3: *sed haec fors viderit, ea quae talibus in rebus plus quam ratio potest.*

<sup>48</sup> Cic. Att. 15.4.

<sup>49</sup> Plut. Caes. 32.5: ἔσχετο δρόμου καὶ τὴν πορείαν ἐπιστήσας πολλὰ μὲν αὐτὸς ἐν ἑαυτῷ διήνεγκε σιγῇ τὴν γνώμην ἐπ’ ἀμφοτέρα μεταλαμβάνων, καὶ τροπὰς ἔσχεν αὐτῷ τότε τὸ βούλευμα πλείστας πολλὰ δὲ καὶ τῶν φίλων τοῖς παροῦσιν, ὧν ἦν καὶ Πολλίων Ἀσίννιος, συνδιηπόρησεν, ἀναλογιζόμενος ἡλίκων κακῶν ἄρξει πᾶσιν ἀνθρώποις ἡ διάβασις, ὅσον τε λόγον αὐτῆς τοῖς αὐθις ἀπολείψουσι. Pelling (2013) 18 termed it “a false alternative” but, in my opinion, that is a consideration deriving from hindsight.

<sup>50</sup> See Pina Polo on this volume for a similar interplay between Roman history and 20<sup>th</sup> century history.

<sup>51</sup> Pelling (2013) 18 called for empathy when interpreting history: “I wanted to push readers into the imaginative leap of asking what side they would have been on themselves, if they had been in the thick of it and had to plump for the future that they would prefer to see.”

Bernstein underscored the risks of interpreting history through the prism of the genre of tragedy in which, in the strict teleological sense of the word, the heroes try to avoid a certain fate. Tragedy, in his words, is not a mode of existence but a way of giving form to a narrative. As events, and life in general, do not form part of a coherent or established narrative, it is the task of historians and literary authors to create and mould the narrative.<sup>52</sup>

I would like to end with a reference to the artist Eileen Agar (1899–1991) and her work *Angel of Anarchy* (1936–1940). The Argentine-born Agar pursued most of her artistic career in Great Britain in connection with the Surrealists; in fact, she was one of the very few women artists linked to that movement. The sculpture comprises a plaster cast head covered with many elements: embroidered silk fabric, feathers, seashells, diamond stones and African beads. It is a powerful image that has been interpreted as referring to seduction, ambiguity, submissiveness, gender identity, or, at the same time, as a political statement in favour of anarchism in the context of the Spanish Civil War.

Agar produced the first version of the sculpture (now lost) in 1934–1936 and the second in 1940, with a revealing addition: she included a blindfold in reference to the fact that the future was uncertain.<sup>53</sup> When we, as historians, approach the past, uncertainty is a question that we should always keep in mind.

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<sup>52</sup> Bernstein (1994) 6–7.

<sup>53</sup> Cf. <https://www.tate.org.uk/art/artworks/agar-angel-of-anarchy-t03809> (seen 11.01.2025).

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# The Civil War in Spain (1936–1939) and the Civil Wars in Late-republican Rome as Cases of Political and Ideological Polarisation

**Abstract:** The twentieth century in Spain serves as a mirror of what might have happened in Rome in the first century BCE on the political, social and ideological level. The basic assumption can be expressed in a few words: war makes enemies and civil war makes mortal enemies forever; whereas war is the most disruptive element within a society, civil war is the most crucial factor in its polarisation. The Spanish civil war in 1936–1939 and the dictatorship that followed are a good example of the extent to which this kind of conflict can trigger a spiral of hatred and revenge between the victors and the vanquished in a society from which it is very difficult to escape. Crucial to understanding the increased polarisation that Rome experienced in the first century BCE is the fact that Sulla's dictatorship was preceded by a gruesome civil war (83–82). The decisive aspect of this process was the permanent existence of an ideological confrontation that was discernible throughout the Late Republic. Civil wars were both the main consequence of political polarisation and the driving force behind that polarisation, in a circular feedback loop of violence that culminated in the transformation of the Roman *res publica*.

The aim here is to implicitly contrast the Spanish civil war<sup>1</sup> (1936–1939) and its aftermath with the civil wars in Rome (in particular the war in 83–82 BCE) that led to the establishment of the dictatorship of Sulla and its impact on Roman society and politics. The basic assertion can be expressed in a few words: war makes enemies and civil war makes mortal enemies forever.<sup>2</sup> A civil war leaves its mark on, and determines, a society for decades. First and foremost, it necessarily results in a certain number of deaths among citizens belonging to the same community, often involves extraordinary acts of cruelty, divides families because some of their members were on one side or the other, and usually concludes with the brutal repression of the vanquished. The outcome is a (long-)lasting estrangement between the victors and the vanquished within a society in which the survivors of both sides are, in any case, compelled to continue to live side by side. Then and now, the social scars and traumas

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<sup>1</sup> Throughout this work, I have chosen to write 'war' and 'battle' with a lowercase 'w' and 'b' because I believe that the terms do not deserve to be capitalised.

<sup>2</sup> On civil war in the *longue durée*, see Armitage (2017). As to the causes behind civil wars: Walter (2022). With respect to civil war and violence: Kalyvas (2006). For civil war in Greece and Rome: Börm, Mattheis and Wienand (2016).

caused by a civil war are consequently very difficult to heal and inevitably lead to political polarisation: whereas war is the most disruptive element within a society, civil war is the most crucial factor in its polarisation.

On 18 July 1936, a part of the Spanish army staged a *coup d'état* against the left-wing government that had won the elections held a few months earlier. The uprising was only partially successful because a portion of the army remained loyal to the Republic. Spain was split in two and a civil war, which was to last almost three years, broke out.<sup>3</sup> The Republicans, who were always referred to pejoratively by the rebels as the 'Reds', received no support from the Western democracies. Besides the thousands of non-professional volunteers from the International Brigades who swelled their ranks, only the Soviet Union supplied them with money and arms. In contrast, the rebels received a huge amount of military support from Hitler and Mussolini in the shape of weapons and soldiers, which helped them to conquer territories until, on 1 April 1939, they declared victory. The end of the war was announced with this brief military dispatch: "On this day, with the Red Army captive and disarmed, the Nationalist troops have reached their final military objectives. The war is over."

This communiqué was signed by *Generalísimo* Franco, a title and rank – that of 'Supreme Commander' – by which he would be known in the following decades and which placed him above the rest of the military top brass in Spain. He was to acquire an additional title that was of both a civilian and military character and which implied the highest leadership, namely, *Caudillo*, 'Leader'.<sup>4</sup> Thus began a process of reinforcing the figure of Franco as the charismatic leader and saviour of Spain. For decades his portraits – sharing walls with crucifixes – were omnipresent in schools, hospitals and all other public places. Busts and equestrian statues were erected in his honour and streets in all of Spain's cities, both large and small, were named after him. His image appeared on stamps of any value, as well as on coins bearing the legend *Caudillo de España por la gracia de Dios* ('Leader of Spain by the grace of God'), as if he were a charismatic leader akin to a Hellenistic king.<sup>5</sup> This quasi-divine status was implicitly confirmed by the fact that Franco always entered public ceremonies in churches and cathedrals under a canopy accompanied by religious authorities.<sup>6</sup>

Once the war was over, the Republic and democracy were abolished and replaced by a dictatorship that would last for almost forty years until the dictator's death in 1975.<sup>7</sup> It is estimated that around 500,000 people died during the civil war and in the

<sup>3</sup> On the Spanish civil war, see Preston (2006); Casanova (2013).

<sup>4</sup> Franco was even compared to Augustus. Cf. Duplá Ansuátegui (2017).

<sup>5</sup> It was not until 1995 that coins with the effigy of Franco were finally withdrawn from circulation.

<sup>6</sup> On Francoism, see Casanova (2015) with supplementary bibliography.

<sup>7</sup> See the chapter of Alcalde in this volume.

repression that followed.<sup>8</sup> In addition, hundreds of thousands of Republicans were forced into exile. From the very beginning, Franco was determined to make it clear that the end of the war did not mean the establishment of peace and national reconciliation but the celebration of his victory and the onset of reprisals against the losers.<sup>9</sup> At the great victory parade held in Madrid on 19 May 1939, the presidential podium – specially built for the occasion – resembled a triumphal arch. Under the arch there was a stage from which protruded a balcony whose façade was decorated with what was to become the symbol of victory throughout the Franco regime. On the balcony, Franco presided over the military parade in which approximately 120,000 soldiers took part, including the Italian and German troops who had supported the rebels.<sup>10</sup>

As of 1940, the so-called ‘Victory Parade’ was held in Madrid every 1<sup>st</sup> of April, the last taking place in 1976, months after the dictator’s death. Moreover, the 1<sup>st</sup> of April became an official national holiday known as ‘Victory Day’, as did the 18<sup>th</sup> of July to commemorate the uprising against the Republic, and the 1<sup>st</sup> of October as the ‘Day of the Leader (Caudillo)’. In 1955, sixteen years after the end of the war, a triumphal arch in the Roman style was eventually erected at one of the main entrances to Madrid, in Moncloa, where a bloody battle for the control of the city had taken place, which still stands today.<sup>11</sup>

As can be seen, throughout its existence Francoism went out of its way to remind the vanquished of their defeat. But if there is one monument whose immense symbolism reflects the essence of the cult of victory that would be the so-called *Valle de los Caídos* (‘Valley of the Fallen’).<sup>12</sup> Located some 50 km northwest of Madrid, deliberately in the vicinity of the palace of El Escorial, which in the Francoist conception represented the zenith of Spanish imperial glory, the monument was conceived by Franco himself. It includes a Catholic basilica, an abbey and a 150m-high cross that was erected on top of a cliff overlooking the surrounding valley, in order that it should be clearly visible from afar. Built between 1940 and 1958 mainly with the forced labour of Republican political prisoners,<sup>13</sup> shortly before the official opening of the Valle de los Caídos in 1959, thousands of corpses of men who had perished during the civil war, including those who had fought for the Republic, were interred there without the permission of their families. As a result, the site became a huge mass grave con-

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<sup>8</sup> See Juliá (1999).

<sup>9</sup> Preston (1990) 36: “April 1939 did not see the beginnings of peace or reconciliation but rather heralded the institutionalization of full-scale vengeance against the defeated left [. . .]. In official language, there were only “Victors” and “Vanquished”, “good Spaniards” and “bad Spaniards”, “patriots” and “traitors”.”

<sup>10</sup> Cf. Preston (1990) 34–35.

<sup>11</sup> See Duplá Ansuátegui (2022).

<sup>12</sup> See Sueiro (2019) [1976].

<sup>13</sup> Preston (1990) 42: 20,000 captive Republicans were employed in the construction of the monument. Cf. Bárcena Pérez (2015).

taining the remains of more than 30,000 men. Yet far from acknowledging the victims of both sides, it was nothing more than a monumental reminder of victory and a pharaonic tomb for the greater glory of the dictator, who was ultimately buried there. In fact, the cult of the *Caídos por Dios y por España* ('those who fell for God and for Spain') during the civil war became one of the great symbols of Francoism, both as a tribute to the victors and, once again, as a reminder of defeat for the vanquished. In the centre of every Spanish city, town and village, a list of locals who had laid down their lives for the rebel cause was displayed in a prominent place, usually next to the main church. As the omnipresent Catholic Church declared that the civil war had been a sort of medieval crusade (*cruzada*), previously against Islam and now against communism and atheism,<sup>14</sup> a large crucifix dominated the monument, while the dead, it claimed ad nauseum, had fallen fighting for God and for Spain: in other words, they were martyrs of a real holy war.<sup>15</sup>

The Republican dead, on the other hand, did not even deserve a proper burial. The corpses of thousands of them were interred in unmarked mass graves, without their relatives ever being able to give them a dignified funeral and burial, for as enemies of the fatherland and godless individuals, they deserved only oblivion. The ultimate explanation for this behaviour on the part of the victors lies in the fact that in their minds, the enemies who had to be defeated and exterminated were not in fact regarded as Spaniards, but rather as alien hordes to be annihilated in a war of national liberation. Indeed, the civil war was still called the 'war of liberation' some decades after it had ended.

While the pervasive presence of the symbolism of victory was one of the hallmarks of Francoism, the brutal repression of the defeated – in other words, anyone who had opposed the rebels – was another essential pillar of the regime: from day one after the victory, the destruction of the vanquished became an absolute priority.<sup>16</sup> Shortly before the end of the war, the first government of the Franco dictatorship enacted the *Ley de Responsabilidades Políticas* ('Law of Political Responsibilities'), whose aim was to make "those who had contributed to encourage rebellion atone for

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14 The newly elected Pope Pius XII sent the following telegram to Franco to congratulate him on his victory: "Lifting up our hearts to God, we sincerely thank Your Excellency for the desired Catholic victory in Spain." And this is part of Franco's speech that was broadcast to the Spanish nation on 16 April 1939: "The nation chosen by God as the principal instrument of the evangelization of the new world and as the impregnable bulwark of the Catholic faith has just given the proselytes of materialist atheism in our century the most sublime proof that the eternal values of religion and the spirit rise above all else." See Cardinal Isidro Gomás' words: "Is the Spanish war a civil war? No; a struggle of the godless [ . . . ] against the true Spain, against the Catholic religion." Cf. Preston (1990) 30–31: "[ . . . ] these messages were taken as a seal of approval for a savage repression presented as an effort to re-Christianize Spain."

15 For the concept of 'Catholic jihad' applied to the Spanish civil war, see Sánchez León (2017). On the relationship between the Catholic Church and Francoism, see Casanova (2001).

16 See Casanova (2002); Rodrigo (2008); Vega Sombría (2011); Preston (2012).

their wrongdoings". The very wording of this piece of legislation thus perverted a historical reality: whereas the rebels who had risen up against the democratic regime considered their government to be legitimate, they regarded the Republicans as rebels for not having accepted the *coup d'état* and prosecuted them for 'supporting the rebellion'.

The law criminalised virtually all the partisans of the Republic – or those who simply had not actively supported the rebels – who had not been able to go into exile. In all, some 400,000 people were investigated, of whom at least half were convicted. The law triggered a veritable 'hunt for reds'. The defeated were humiliated in public and many people were accused by their own neighbours, sometimes only because of personal grievances or for financial gain. The punishments usually involved disqualification to hold public office, prison sentences and fines. Deprived of their property and assets<sup>17</sup> and very often unable to work, a conviction could in practice mean the civil death not only of convicts but also of their families. Franco's loyalists, on the other hand, prospered to a greater or lesser extent at the expense of those convicts. In short, the vanquished became social outcasts for the duration.

The so-called Spanish Transition was the period following the death of the dictator which led to the approval of a new constitution and the establishment of democracy in Spain.<sup>18</sup> As one of the main goals of this period was the commitment to reconcile the two sides that had continued to be at loggerheads with one another since the end of the civil war, an amnesty law was enacted in 1977 which not only exonerated all political prisoners, including people accused of violent crimes (including members of the terrorist organisation ETA), but also guaranteed impunity for authorities and law enforcement officers who had committed crimes when breaking up political protests or who had violated human rights.<sup>19</sup> In practice, the law consigned all the crimes perpetrated by the Franco regime to oblivion, without rehabilitating those who had been politically prosecuted under its laws.

It was not until 2007 that the *Ley de Memoria Histórica* ('Historical Memory Law') was enacted,<sup>20</sup> which considered the political trials held during the Franco regime to be illegitimate and which ordered the removal of symbols of the dictatorship. The law was passed thanks to the support of the political left in the Spanish parliament but was steadfastly opposed by the conservatives, evincing once again the two opposing sides. Although the law was in effect repealed when the conservatives came to power

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<sup>17</sup> See Álvaro Dueñas (2012).

<sup>18</sup> It should not be forgotten that in the years following Franco's death there were several attempted coups against democracy in the name of the rebels' victory in the civil war, the most important being the one perpetrated on 23 February 1981.

<sup>19</sup> See Aguilar (1996), (1997) and (2001).

<sup>20</sup> Preston (1990) 32: "For the Spaniards [. . .] the question of coming to terms with the past has been rendered difficult by the fact that "the past" continued for nearly forty years after the war's conclusion and indeed beyond."

some years later, it allowed for the removal of statues of Franco and for the first searches for the mass graves in which murdered Republicans had been unceremoniously dumped all over Spain.<sup>21</sup> In 2022, the Socialist government passed the *Ley de Memoria Democrática* ('Democratic Memory Law') with the aim of going to greater lengths to recognise the victims of the Franco regime and the elimination of symbols of the dictatorship. An obvious example is the exhumation of the remains of the Spanish dictator and their removal from the Valle de los Caídos, which has been renamed the Valle de Cuelgamuros.

The developments that I have briefly described above attest to the bitterness and polarisation that the civil war provoked in Spain and which are still palpable in Spanish politics and society, despite the fact that virtually all the direct actors are now deceased ninety years after the beginning of the conflict and fifty years after the death of the dictator. Two ideologically antithetical Spains, heirs to the victors and the vanquished of the civil war, have existed for decades. It should come as no surprise that in 2018 a member of the neo-Francoist party Vox claimed, in reference to the political left, "They provoked a war, lost it and now, eighty years on, intend to win it."<sup>22</sup> This is a clear example of the fact that the typical civil war language is still very much alive.

The matter that I would like to address next is whether this historical process, which is well known in modern Spain, can provide any valuable lessons about developments in first-century BCE Rome, during the transformation of the Republic.

Between 91 and 82 BCE, the population of Rome and Italy experienced a series of wars and internal conflicts that caused thousands of deaths and which led to a tremendous amount of social strife.<sup>23</sup> Eutropius summarises the scale of the tragedy in figures: more than 150,000 men perished.<sup>24</sup> In the same vein, Orosius describes these wars as *bella funestissima*, providing almost identical casualty figures.<sup>25</sup> Even though it is true that the Social War (*bellum Sociale*, 91–87 BC) was not strictly speaking a civil war, since the Italians who fought against Rome were not Roman citizens, the conflict

21 Cf. Aguilar and Payne (2016).

22 These words were uttered by Ortega Lara: <https://www.laopiniondemurcia.es/comunidad/2018/11/15/provocaron-guerra-perdieron-80-anos-31562503.html> (seen 11.01.2025).

23 On this period, see Vervaeke (2023) with a complete bibliography.

24 Eutr. 5.9: *Consumpserunt autem ultra CL milia hominum, viros consulares XXIV, praetorios VII, aedilicios LX, senatores fere CC*. ("the wars) . . . resulted in the annihilation of more than one hundred and fifty thousand men; twenty-four consulars, seven praetorians, sixty ex-aediles and nearly two hundred senators").

25 Oros. 5.22.4: *praeterea viros consulares viginti et quattuor, praetorios sex, aedilicios sexaginta, senatores fere ducentos, absque innumeris totius Italiae populis, qui passim sine consideratione deleti sunt* ("the census also shows that twenty-four men of consular rank, six of praetorian rank, sixty with the rank of aediles, and almost two hundred senators were destroyed. This does not include innumerable peoples over all Italy who were slaughtered without any consideration").

clearly had a fratricidal character.<sup>26</sup> The confrontation not only left a trail of victims but also caused significant economic damage and political and legal problems, including the actual integration of new citizens into the Roman state, which would prove to be particularly difficult to resolve in the following years.

Nor did the end of the Social War bring peace to Rome. In 88, Sulla marched his troops into the *Urbs* in what was no more than an unprecedented *coup d'état*.<sup>27</sup> The tribune of the *plebs* Sulpicius Rufus was outlawed and killed and other opponents of Sulla met the same fate or were forced into exile. When Sulla set out for the East to make war against Mithridates, following in his footsteps Cinna seized power in Rome. Once again revenge and violence prevailed in Roman politics in a game of repeatedly declaring political opponents enemies of the *res publica* (*hostes*), as Sulla had previously done, and therefore liable to be killed with impunity for the sake of the fatherland.<sup>28</sup> The climax of this series of confrontations was the civil war in 83–82 BCE, which again involved not only Rome but also most of Italy.

One of the consequences of this succession of confrontations, which must have left their mark on Roman and Italian societies,<sup>29</sup> was a growing ideological polarisation. The civil war – especially its aftermath and effects – highlighted and aggravated this political polarisation for decades to come, the attitude of the victor and dictator Sulla being decisive in this regard. On 1 November 82, Sulla's troops won the battle of the Colline Gate outside Rome which brought the civil war to an end. As in the case of Spain in 1939, it was not peace but victory and revenge that prevailed in Rome and Italy in the following years: after entering Rome as triumphator, Sulla ordered the hunt for the vanquished to begin.

On the one hand, Sulla made decisions that for Roman society left no room for doubt who were the winners and losers in the civil war. During two days in January 81, the dictator celebrated his purported triumph over Mithridates with a

<sup>26</sup> On the *bellum Sociale*, see Dart (2014). Regarding the relationship between Rome and Italy, see Wulff Alonso (1991), (2002) and (2021).

<sup>27</sup> Appian rightly points out that the events of 88 marked a turning point in the history of Rome: "In this way seditions, born of discord and rivalry, came to result in assassinations, and from assassinations in open wars. And now, for the first time, an army of citizens invaded the fatherland as if it were a hostile land. From then on, seditions did not cease to be decided by arms. There were frequent attacks upon Rome and battles under its walls, and all the other calamities that follow wars. For those who used violence there was no longer any restraint from a feeling of respect for the laws, the institutions, or at least the fatherland" (App. *B Civ.* 1.60). On the year 88, see Tatum (2022).

<sup>28</sup> With respect to Sulla's violence, see Livy *Per. 77*: *L. Sylla cos. cum exercitu in urbem venit et adversus factionem Sulpici et Mari in ipsa urbe pugnavit eamque expulit. Ex qua XII a senatu hostes, inter quos C. Marius pater et filius, iudicati sunt* ("consul L. Sulla came into the city with an army, and fought against the faction of Sulpicius and Marius in the city itself, and drove it out. From which twelve enemies were judged by the senate, including C. Marius father and son"); Flor. 2.9.8; Vell. Pat. 2.19.1; Val. Max. 3.8.5; Cic. *Brut.* 168; Plut. *Sulla* 10.1; Diod. Sic. 37.29.3; App. *B Civ.* 1.60 (with the names of the men who were declared *hostes*). As to Marius' and Cinna's violence, see App. *B Civ.* 1.71–73.

<sup>29</sup> On economic damage in Italy, see Maschek (2018).

spectacular parade, which included the spoils of war.<sup>30</sup> Prominent in the parade were the Roman exiles who were now able to return to a city freed from the alleged tyranny of the Cinnan regime. In Plutarch's words, "the most distinguished and influential of the citizens, crowned with garlands, followed the procession, calling Sulla their saviour and father, for, in fact, it was through him that they returned to their home and brought with them their wives and children."<sup>31</sup> Sulla thus portrayed himself as a liberator who had restored order in Rome, while simultaneously emphasising and legitimising his dual role as the victor over foreign and domestic enemies.<sup>32</sup>

Months later, games in honour of Sulla's victory (*Ludi Victoriae [Sullae]*) were held to commemorate his decisive victory at the Colline Gate.<sup>33</sup> Conceived as annual games, they were held from 26th October to 1st November, so as to coincide with the date of the battle and to serve as a permanent reminder of Sulla's triumph. As a matter of fact, the games outlived the dictator, continuing to be held on the same dates as the *ludi Victoriae* until the Principate. It was the first time that *ludi* specifically honouring the triumph of an individual had been created and regularly celebrated in Rome as an obvious personal propaganda tool.

Whereas the *ludi* were an annual reminder, coins provided a more permanent memento of Sulla's victory. As early as in 82, a series of *denarii* and gold coins were minted, the reverse depicting the *imperator* Lucius Sulla as triumphator driving a *quadriga*, with his name in the exergue. The flying Victory crowning the dictator made the message of triumph crystal clear (Fig. 1).<sup>34</sup> In 80, after Sulla had already implemented his most significant political reforms and carried out his bloodiest acts of repression, another series was minted in gold. On the reverse appears an equestrian statue of Sulla, crowned with a laurel wreath as triumphator, with the legend L. SVLLA FELIX DIC(tator) (Fig. 2).<sup>35</sup> According to Appian that gilded equestrian statue

<sup>30</sup> Plin. *HN* 33.16.

<sup>31</sup> Plut. *Sull.* 34.1: οἱ γὰρ ἐνδοξότατοι καὶ δυνατώτατοι τῶν πολιτῶν ἐστεφανωμένοι παρείποντο, σωτῆρα καὶ πατέρα τὸν Σύλλαν ἀποκαλοῦντες, ἅτε δὴ δι' ἐκεῖνον εἰς τὴν πατρίδα κατιόντες καὶ κομιζόμενοι παῖδας καὶ γυναῖκας. As per usual, Sulla subsequently delivered a speech to the people describing his achievements (34.2).

<sup>32</sup> Keaveney (1983) 190–192; (2005) 221. Whereas Valerius Maximus (2.8.7) states that the victors in Roman civil wars did not celebrate triumphs over the defeated (certainly there is no entry in the *Fasti Triumphales* that records a civil war triumph), it is nevertheless clear that they sought strategies for publicly displaying their victory over their Roman adversaries. See Lange (2013); Havener (2014). In particular, on Sulla's triumph: "[. . .] the Roman citizens who walked across the city as part of the triumph, thanking Sulla for their salvation, illustrate two things: on the one hand, they too make it clear that a civil war victory is being celebrated, as it is only Sulla's success in the conflict with his Roman enemies that allows them to return to the city [. . .]. On the other hand, it should probably be read as an attempt to interpret the victory as such in a positive way and thus to make the victor less vulnerable to attack", Havener (2014) 169.

<sup>33</sup> Vell. Pat. 2.27.6. Cicero (*Verr.* 1.10) speaks only of *ludi Victoriae*. Cf. Bernstein (1998) 321–327.

<sup>34</sup> Crawford *RRC* 386–387 no. 367.

<sup>35</sup> Crawford *RRC* 397 no. 381.



**Fig. 1:** *Aureus*. Obverse: helmeted head of Roma. Reverse: Triumphator in *quadriga* crowned by flying Victory. In exergue: L(ucius) SVLLA IMP(erator). Source: Staatliche Museen zu Berlin, Münzkabinett / Reinhard Saczewski. CC BY-SA 4.0. <https://id.smb.museum/object/2354373> (seen 11.01.2025).



**Fig. 2:** *Aureus*. Obverse: helmeted head of Roma. Reverse: Equestrian statue. In exergue: L(ucius) SVLL(a) FE(lix). RRC 381/1. Source: [gallica.bnf.fr](http://gallica.bnf.fr) / BnF REP-21382 (seen 3.2.2025).

was erected in the Forum in front of the Rostra, namely, in the most visible place in Rome.<sup>36</sup> In the inscription attached to the statue, Sulla was in fact called by the cognomen *Felix*, which he was to keep for the rest of his life.<sup>37</sup> *Felix* implicitly indicated Sulla's somewhat supernatural proximity to the gods, for divine support had made him a victorious general. Furthermore, the erection of an equestrian statue dedicated to a living personage was an unprecedented initiative in Rome whose aim was to glorify the victor. The whole process took place in just a few months between 82

<sup>36</sup> Regarding the Rostra as a civil war monument, see Lange (2020).

<sup>37</sup> App. *B Civ.* 1.97.

and 80 in a kind of celebratory cult of the triumphator, while his enemies were being eliminated.

Very significantly, the helmeted head of Rome appears on both issues of 82 and 80. It is glaringly evident that Sulla wanted to identify himself with Rome, while closely linking his success over the enemies of the fatherland to the salvation and preservation of the *civitas*: Rome and Sulla were two sides of the same coin.<sup>38</sup> And it is no coincidence that the issue that M. Nonius Sufenas minted in 57 with a reference to the first celebration of the *Ludi Victoriae [Sullae]* portrayed Rome being crowned by the goddess Victoria: the identification between the *civitas* and what Sulla's victory and rule had meant was still alive.<sup>39</sup>

According to the irrational mentality of civil war, the fact that Sulla and his followers saw themselves as the true and sole custodians of *Romanitas* converted their opponents into anti-patriots and enemies of the state, thus legitimising their destruction for the sake of Rome. Sulla felt entitled to decide on the lives of the losers and to seize their assets as spoils of war. Immediately after his victory at the battle of the Colline Gate, he made it quite clear that his programme did not include a policy of concord and national reconciliation. Actually, from the very beginning he intended to strike terror into the hearts of the citizenry and made no secret of his vindictiveness: he summoned a popular assembly where he proclaimed that he was unwilling to forgive any of his enemies; on the contrary, he would punish them with the utmost severity.<sup>40</sup> In other words, the political stability which Sulla wanted to bring to the Roman Republic implied the eradication of whoever he considered to be dangerous, which in practice led to the extermination of his political opponents.

The first victims were thousands of Samnites captured at the battle of the Colline Gate. They were brought to the *villa publica* in Rome under the pretext that they were to be counted, but were executed by Sulla's soldiers instead.<sup>41</sup> The same happened in Praeneste after the town had been taken, when thousands of its inhabitants were slaughtered. Other towns in Italy, in particular Nola and Capua, met a similar fate. But it was especially in Rome where Sulla went to great lengths to shore up his position. Shortly after having seized power, he published a list of people classified as public enemies.<sup>42</sup> It was forbidden to help these outlaws to flee, and a reward was offered for their murder or for providing reliable information on their whereabouts. The proscriptions unleashed a persecution in which political reprisals were combined with

<sup>38</sup> Cf. Crawford *RRC* 387 and 732.

<sup>39</sup> Cf. Crawford *RRC* 445–446, no. 421, with the legend SEX NONI(us) PR(aetor) L(udos) V(ictoriae) P(rimus) F(ecit). As can be seen, there is no direct mention of Sulla.

<sup>40</sup> App. *B Civ.* 1.95.

<sup>41</sup> Plut. *Sulla* 30.2–4; *vir. ill.* 75; Flor. 2.9.23; Val. Max. 9.2.1.

<sup>42</sup> Sall. *hist.* 1.55.17; Val. Max. 9.2.1; App. *B Civ.* 1.96; Plut. *Sulla* 31. On the Sullan proscriptions, see Hinard (1985).

personal vendettas and a desire for personal gain.<sup>43</sup> It is estimated that at least forty senators and 1,400 equites were victims of Sulla's proscriptions. Several others saved their skins by going into exile.<sup>44</sup>

The property of all these outlaws was confiscated by the state as war booty.<sup>45</sup> As the victor, Sulla disposed of them as he pleased, giving some of the real estate and chattels of the proscribed to his friends and supporters as a reward and auctioning off most of their lands to his partisans at ridiculously low prices. Thus, there were people who were included on the list of outlaws – even after they had been killed – for the sole purpose of seizing their property.<sup>46</sup> Whereas many Sullans rapidly enriched themselves, the anti-Sullan elite was expropriated in what must have been a significant transfer of wealth.

Sulla, consistent with his goal of eliminating any hint of opposition, took a further, equally novel step: the descendants (*liberi*) of the proscribed were declared infamous, which meant that they lost their civil rights and, consequently, were forbidden to be involved in political life by being deprived of the *ius petendorum honorum*, to wit, “the right to be a candidate for magistracies”. Moreover, all their properties were confiscated.<sup>47</sup> The measure was clearly abusive and predatory, since it was a punishment for people who had committed no crime other than being a member of a certain family. According to the *Digest*, the term *liberi* included grandchildren and great-grandchildren (*nepotes et pronepotes*).<sup>48</sup> The punishment that Sulla introduced as part of the proscriptions therefore entailed the political ostracism of some families for generations, a ban that his followers certainly strove to uphold for decades.

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43 Appian's list of ‘crimes’ of which the proscribed were accused is striking: “[. . .] for having held command, for having served in the army, for contributing money, for rendering other service, or even for giving advice against Sulla. Hospitality, personal friendship, and the lending of money, both to the recipient and to the donor, were also charged, and some were even convicted for some act of courtesy, or just for having been a companion on a journey” (App. *B Civ.* 1.96).

44 Cf. Vedaldi Iasbez (1981) 177. On Sullan violence, see Thein (2017).

45 Appian emphasises that the proscriptions were directed mainly against well-off citizens (App. *B Civ.* 1.96). Members of prominent families were able, through their influence, to avoid being included on the proscription lists and to escape the ban on holding public office. Cf. Vedaldi Iasbez (1981) 210–211; Thein (2016) (on the sale of booty from Italian towns). In this volume, see Rosillo-López.

46 Plutarch stresses this fact: “Many were killed to gratify private hatreds, though they had no connection with Sulla, but he gave his consent to gratify his supporters” (Plut. *Sulla* 31.1).

47 Vell. Pat. 2.28.4; Livy *Per.* 89: *proscriptorum liberis ius petendorum honorum eripuit et bona eorum vendidit* (“he deprived the children of the proscribed of the right to claim honours and sold their goods”). Cf. Plut. *Sulla* 31.4; Dion. Hal. *Ant. Rom.* 8.80. On the subject, see Vedaldi Iasbez (1981); Hinard (1984); (1985) esp. 207–219.

48 Dig. 50.16.220: *‘liberorum’ appellatione nepotes et pronepotes ceterique qui ex his descendunt continentur* (“the term ‘children’ includes grandchildren and great-grandchildren and the rest who descend from them”). For a list and a prosopographical analysis of the descendants of the proscribed, see Vedaldi Iasbez (1981) 185–207; Hinard (1984).

In fact, there is enough evidence that the legal status of the descendants of the proscribed was, to a greater or lesser extent, an ever-present issue on the political agenda and that they never ceased to demand their reinstatement. While addressing Cicero's consulship in 63, Plutarch mentions, as a major problem, that those whom Sulla had forbidden to hold public office were trying to curry favour with the people through accusations, which were "just and true", against Sulla's tyranny. Remarkably, for Plutarch they were "neither weak nor few" (οὐτ' ἄσθενεῖς οὐτ' ὀλίγοι).<sup>49</sup> According to Cassius Dio, a tribune of the *plebs* championed the sons of the proscribed who wanted to run for office but achieved nothing for his pains.<sup>50</sup> When Cicero subsequently listed his consular achievements, along with blocking Rullus' agrarian bill and suppressing the Catilinarian conspiracy, he claimed to have prevented "brave and courageous young men" from running for election. Referring to the descendants of the proscribed, he boasted that he had acted personally against them without involving the Senate.<sup>51</sup>

In his list of speeches delivered in 63, Cicero includes one concerning *de proscrip-torum filiis*.<sup>52</sup> Quintilian summarises the arguments that Cicero deployed in his lost speech: it was indeed cruel that the sons of men of good birth and the descendants of distinguished ancestors should be excluded from participating in public life; however, the very stability of the *civitas* depended on the laws that Sulla had passed, so that their repeal would only bring insecurity to Rome.<sup>53</sup> Even though the measure adopted by Sulla might have been considered as unjust, ultimately it was inadvisable to abrogate it for the sake of maintaining internal stability and perhaps, not least, in order to avoid calling into question the economic privileges of those who had benefited from the confiscation of the property of the proscribed.<sup>54</sup> In short, Cicero's argument was that the admission of the sons of the proscribed to the elections would have reopened old wounds and undermined the *res publica*.

This happened eighteen years after the proscriptions, but those concerned had to wait another fourteen<sup>55</sup> until Caesar restored to the descendants of those who had been proscribed by the dictator Sulla the right to be candidates for magistracies. Al-

49 Plut. *Cic.* 12.1. Cf. Vedaldi Iasbez (1981) 179; Hinard (1985) 207–208. Gruen (1974) 414, underestimates the importance of this crusade, which he considers to be "another harmless attack on Sulla's ghost, an opportunity for demagogic posturing." In his opinion, "its potential beneficiaries were either too few or too impotent" (p. 415).

50 Dio Cass. 37.25.3.

51 Cic. *Pis.* 4.

52 Cic. *Att.* 2.1.3.

53 Quint. *Inst.* 11.1.85. Cf. Gruen (1974) 415; Hinard (1985) 210–211.

54 Cf. Vedaldi Iasbez (1981) 179–180. Economic reasons might have been behind the reluctance to grant amnesty to those proscribed by Sulla, whereas there was a consensus on doing so to those who had fought under Lepidus in 78 and Sertorius in Hispania. Cf. Suet. *Iul.* 5; Dio Cass. 44.47.4; Gell. 13.3.5.

55 On the possible involvement of descendants of the proscribed in the Catilinarian conspiracy, see Gruen (1970); Hinard (1985) 211–212.

though it has been conjectured that the measure was introduced by a law of the tribune of the *plebs* Marcus Antonius,<sup>56</sup> the sources are clear in their attribution to Caesar himself.<sup>57</sup> Caesar, as president of the elections, ‘admitted’ the descendants of the proscribed as candidates, thus de facto abolishing the Sullan ban. This is exactly what Suetonius states: “And he (\*Caesar) admitted to the offices some descendants of the proscribed” (*Admisit ad honores et proscriptorum liberos*).<sup>58</sup> The date seems to have been autumn 49 upon Caesar’s return from Hispania, when he was appointed dictator.<sup>59</sup> This seems to indicate that, thirty-two years later, the issue was still symbolic and politically sensitive enough to be given priority. The provision conveyed a powerful ideological message in that it clearly showed that the Caesarians were against Sulla and all that he had stood for.<sup>60</sup>

Appian begins his account of the civil wars occurring in Rome and Italy in 133, coinciding with the tribunate of Tiberius Gracchus. For the first time in Roman history, the assassination of the tribune marked the beginning of a century-long period, which scholarship calls the Late Republic, when, according to the Greek author, violence was one of the main drivers of Rome’s historical development.<sup>61</sup> In the decades that followed the outbreak of violence in 133 there were selective assassinations of other reformers, among whom Gaius Gracchus, Appuleius Saturninus and Livius Drusus are the best known. They were all murdered in the context of a confrontation of ideas in which different approaches to social, economic and political issues clashed, such as possible agrarian reform, grain subsidies for the lower classes in Rome (*frumentationes*),<sup>62</sup> and the integration of the inhabitants of Italy as citizens into the

56 Cf. Broughton MRR 2.258: “during Caesar’s dictatorship (\*Antonius) carried a law to restore the children of the proscribed,” Hinard (1985) 217–219.

57 Plut. *Caes.* 37.2: “Appointed dictator by the Senate, Caesar brought home the exiles, restored the civic rights to the children of those who had suffered in the days of Sulla . . .” (καὶ τῶν ἐπὶ Σύλλα δυστυχησάντων τοὺς παῖδας ἐπιτίμους ἐποίησε). Cf. Dio Cass. 44.47.4; Suet. *Iul.* 41.2.

58 Suet. *Iul.* 41.2. Drummond (1999) 135 and n. 50 already suggested this interpretation (“the usual confident ascription of this to a tribunician Lex Antonia rests on no evidence”). See also Pina Polo and Rosillo-López (forthcoming). Cf. Dio Cass. 44.47.4; Plut. *Caes.* 37. In any case, all of Sulla’s victims had their civic rights restored in 49. Cf. Hinard (1985) 218.

59 While Cassius Dio (41.18.2) dates the authorisation for the sons of the proscribed before Caesar’s departure to Hispania in the first part of 49, Suetonius (*Iul.* 41.2) and Plutarch (*Caes.* 37.2) clearly date it in the context of the elections presided over by Caesar as dictator in autumn 49.

60 Vedaldi Iasbez (1981) 212–213, considers, however, that ‘Caesarian propaganda’ overstated the battle over the rights of the descendants of the proscribed. At any rate, there is no doubt that many of them who are known to us joined the Caesarians. Cf. Hinard (1985) 215. We also know that Caesar supported the amnesty for the Lepidani in 70 (Suet. *Iul.* 5; Gell. 13.3.5; cf. Gruen [1974] 415 n. 33).

61 App. *B Civ.* 1.2: “Whenever either side first got possession of the city, the opposition faction made war, nominally against their adversaries, but actually against their fatherland. For they assailed it like an enemy’s city, and cruel and indiscriminate massacres of citizens were perpetrated: for some, death sentences, banishments and confiscations, for others, terrible torments.”

62 See Pina Polo (2021).

Roman state. Whereas some politicians risked their lives, as history shows, to introduce measures to resolve or at least to alleviate these problems, the senatorial majority was totally opposed to such reforms and fully prepared to resort to violence in order to avoid their enactment and implementation.<sup>63</sup>

The violence unleashed in the 80s was in part a consequence of this previous process of polarisation but, at the same time, decisively exacerbated and cemented that polarisation during the following decades. The successive declarations made by both sides in which they described their political opponents as public enemies (*hostes*), as *the* enemies of Rome, helped to objectify them and made it easier to justify their physical elimination. And the civil war in 83–82 was the practical expression of this polarisation: the losers were nothing but anti-patriots who deserved to die and to be stripped of their assets, while their descendants were condemned to a civil death.

The two previously perceptible ideological camps within the elite did not cease to exist after Sulla, but as a consequence of the civil war they thenceforth became winners and losers for quite a time to come.<sup>64</sup> The main problems affecting the *res publica* persisted after Sulla's death with similar implications: the senatorial majority was adamant in its refusal to accept substantial reforms, but their success left the problems unresolved and deepened the crisis of the Republic. As a consequence, in the two generations that followed the dictatorship of Sulla the confrontation of ideas was reproduced with the contending sides defending similar political positions.

It is not easy to determine whether this polarisation was confined to the elite – and in particular to the senatorial aristocracy – or whether it permeated to some extent Roman society as a whole. Evidently, it is too bold to speak of an ideology of the *plebs* across the board, yet it is likewise absurd to assume that the *plebs* were unable to determine which politicians and which policies were more or less beneficial or detrimental to them.<sup>65</sup> This had been evidenced by their support for the Gracchi and for other so-called *populares* in the past,<sup>66</sup> and was again evinced in 52. The assassination

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<sup>63</sup> Regarding ideological confrontation, see Pina Polo (2021) 128–130. On Roman elite reform unwillingness, see Vervaeke, Dart and Rafferty in this volume.

<sup>64</sup> This condition was further consolidated by the failed attempt of the consul Lepidus to overthrow the Sullan regime in 78 and the defeat of Sertorius in 72. It should be recalled that a large group of exiles joined Sertorius in his struggle in Hispania, which was but an outcome and continuation of the civil war, and that in 78 Lepidus had unsuccessfully attempted to recall the exiles to Rome (Gran. Licin. 34 FL: *legem frumentariam nullo resistente tutatus est, ut annonae quinque modii populo darentur et alia multa pollicebatur: exules reducere, res gestas a Sulla (rescindere) in quorum agros milites deduxerat restituere* [“he protected the grain law with no resistance, so that five measures of food were given to the people, and many other things were promised: to bring back the exiles, to restore the deeds done by Sulla (to undo) the lands into whose fields he had led the soldiers”]).

<sup>65</sup> Cf. Courrier (2014).

<sup>66</sup> Plut. *C.Gr.* 17–18. On the erection of statues of the Gracchi brothers and the performance of sacrifices in their honour, see Marco Simón and Pina Polo (2000). Cf. Sehlmeier (1999) 185–187; Flower (2006) 80–81; Rosillo-López (2017) 145–147.

of Clodius in 52 triggered a popular protest that lasted for weeks.<sup>67</sup> The Senate reacted by appointing Pompey as sole consul (*consul sine collega*), a sort of dictatorship in all but name. And the consequence of this appointment was the usual repression against those regarded as seditious: a law against violence promulgated by Pompey led to the conviction of a good number of Clodius' supporters, many of whom went into exile and shortly afterwards joined Caesar during the civil war.

The events of 52 were directly connected with the beginning of the civil war three years later: the year marked a point of no return in the process of polarisation in Roman society and, at the same time, was decisive in highlighting this state of affairs that would soon become conspicuous in the conflict between Caesar and Pompey.<sup>68</sup> However, it is a mistake to see the Roman civil war in 49–45 – simply – as a struggle for personal power (*contentio dignitatis*) between Pompey and Caesar,<sup>69</sup> and not as a war between Pompeians and Caesarians over different ways of approaching and addressing certain political and social problems. The civil war of 49–45 can better be understood as the conclusion of an ideological confrontation characterising decades of political conflict that had not resolved problems which had always been latent and sometimes violently present.<sup>70</sup>

As conclusion, the twentieth century in Spain serves as a mirror of what might have happened in Rome in the first century BCE on the political, social and ideological level. The Spanish civil war in 1936–1939 and the following decades are a good example of the extent to which this kind of conflict can trigger a spiral of hatred and revenge between the victors and the vanquished in a society from which it is very difficult to escape: as actors or as witnesses, virtually all the members of such a society inevitably suffer from civil war.<sup>71</sup> Within families, oral memories are transmitted from generation to generation by means of conversational remembering, which means that they remain very much alive.<sup>72</sup> Crucial to understanding the increased po-

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<sup>67</sup> For Clodius' funeral, see Sumi (1997).

<sup>68</sup> According to Cicero, during his consulship in 51 Ser. Sulpicius Rufus had repeatedly warned the Senate of the danger of a new civil war, recalling the brutality of the previous ones (Cic. *Fam.* 4.3.1). With respect to the year 52, see Flaig (2022) as well as Rafferty, Vervaeke and Dart in this volume.

<sup>69</sup> See the title of the book by Raafaub (1974).

<sup>70</sup> Yet it should not be taken for granted that all the combatants on both sides fought with ideological conviction. It is important to note that, although some of the legionaries were volunteers, the vast majority of soldiers, both Caesarians and Pompeians, had been conscripted, a practice that had continued in the Late Republic. See Pina Polo (2019) 149. Cf. Cadiou (2018). The same happened in the Spanish civil war (see Matthews [2013]).

<sup>71</sup> In his third *Catilinarian* (Cic. *Cat.* 3.24), Cicero requests his audience in the popular assembly to recall past atrocities that they have heard about or witnessed themselves, before concluding, "I need not say what havoc their reprisals caused among the citizens and what ruin they brought to the community" (*ne dici quidem opus est, quanta deminutione civium et quanta calamitate rei publicae*). Cf. Rosillo-López (2023) 140–142.

<sup>72</sup> See Rosillo-López (2023).

larisation that Rome experienced in the first century BCE is indeed the fact that Sulla's dictatorship was preceded by a civil war, as was the case with Caesar's rule.<sup>73</sup> Moreover, Caesar was ultimately assassinated, an event that led to the outbreak of further civil wars. The decisive aspect of this process was the permanent existence of an ideological confrontation that was discernible throughout the Late Republic and which linked – and ultimately explained – this succession of civil wars. In short, civil wars were both the main consequence of political polarisation and the driving force behind that polarisation, in a circular feedback loop of violence that culminated in the fall – or rather transformation<sup>74</sup> – of the Roman *res publica*.<sup>75</sup>

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<sup>73</sup> Caesar's account of the exchange between Pompeian and Caesarian soldiers after the battle of Ilerda in 49 perfectly illustrates the anxiety that troops who had to face fellow citizens, some of whom were from the same localities, must have felt (Caes. *civ.* 1.74.1–2). Some men regretted being caught up in a war against friends and relatives (*cum hominibus necessariis et consanguineis*), while the camaraderie even made the two camps seem to be united in one (*ut una castra iam facta ex binis viderentur*). It is an excellent and plausible example of what fighting in a civil war signifies.

<sup>74</sup> Cf. Morstein-Marx – Rosenstein (2006).

<sup>75</sup> Gruen (1974) 504 asserted without hesitation that "civil war caused the fall of the Republic—not vice versa." Flaig (2022) 572, reversed the direction of causality: "[. . .] a civil war is always a result of a crisis that is so deep that the institutions cannot cope with themselves any longer." In a sense, both are right. On interrelation between polarisation and civil war (ancient and modern), see also Lange (2024) ch. 1.

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Ángel Alcalde

# The Death of Democratic Republics in the 1930s: Germany, Austria, Spain

**Abstract:** This chapter examines how Republics died in the interwar period, focusing on the cases of the Weimar Republic, the Austrian Republic, and the Spanish Second Republic. First, the chapter introduces various traditional interpretations of the demise of liberal democracies and rise of authoritarianism in interwar Europe. Then, the chapter provides a review of historical developments in Italy, Germany, Austria and Spain, noting the factors that most commonly allow historians to explain the end of democracies in the 1920s and 1930s. In the last part of the chapter, a new interpretive model is proposed, which highlights transnational processes, namely the influence and direct intervention of Italian fascists in Europe, as the key to understand why various interwar democratic Republics fell.

In his influential book *Die Diktatur (The Dictatorship)*, first published in 1922, German jurist Carl Schmitt, a scholar who would become known for his collaboration with Hitler's Third Reich, located the roots of the modern concept of dictatorship in "Roman history and its classic authors". He noted, "the dictatorship is a wise invention of the Roman Republic"; "the dictator [was] . . . an extraordinary Roman magistrate . . . with the task of dispelling the dangerous situation that is the reason for his appointment, whether through the conduct of war (*dictatura rei gerendae*), or through the defeat of an internal uprising (*dictatura seditionis sedandae*)". When Schmitt wrote this work, right after the First World War and the treaty of Versailles, democracies clearly dominated Europe, but from Lenin's revolutionary Russia since October 1917, a new model of communist society was being projected by Bolsheviks, who aimed to export revolution to the entire world. In his book's preliminary note, written in the summer of 1920, Schmitt reacted to Marxist debates about the "Dictatorship of the Proletariat", a concept that also revealed —Schmitt remarked— the transitory nature of dictatorial power: a dictatorship that eventually "does not make itself superfluous is rather despotism".<sup>1</sup>

Schmitt's reflections on dictatorship were influenced by the Great War and the post-war revolutionary context.<sup>2</sup> With the sudden end of the Great War, bourgeois fear of revolution and the masses' impulses from below combined to bring democracy and universal suffrage to many countries that had participated in the conflict. Many

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<sup>1</sup> Schmitt (1989) xi–xx, 1. Schmitt (like many Roman historians) fundamentally misunderstood the 'traditional' Roman office of dictator as it occurred until the end of the Second Punic War: see Cornell (2015).

<sup>2</sup> Kelly (2013).

monarchies disappeared as a consequence of the war. Along with Romanov's Russia, three other Empires disintegrated in 1918, the German II Reich, the Austro-Hungarian Habsburg Empire, and the Ottoman Empire, either territorially diminished or partitioned. From the multi-ethnic Austro-Hungarian polity, new nation-states emerged, three of which could be considered victors (Poland, Czechoslovakia, and Yugoslavia), and two others vanquished (Austria and Hungary). All of them initially became liberal regimes, mostly democratic Republics. But these countries experienced further revolutionary unrest and in the cases of Hungary and the German state of Bavaria, a brief period of dictatorial communist rule in 1919. The main victors of the war, France and Britain, as well as Wilson's United States, exported their liberal model of politics to the new Europe, but this transition to a new world of nation-states proved fraught with problems and contained the seeds of international crisis later on.

In fact, when the second edition of *Die Diktatur* was published in 1928, the political map of Europe had already been substantially altered. The fascist Mussolini, the leader of an Italian violent preventive counter-revolution, had gradually established an anti-liberal, anti-Socialist, anti-democratic dictatorship in Italy since his seizure of power in October 1922. Since 1920, Hungary was ruled by a "regent", Admiral Miklos Horthy, through an illiberal system that ensured continuous Christian-conservative (and ideologically antisemitic) control. Arguably, inter-war Hungary can be seen as a "competitive authoritarian" regime.<sup>3</sup> Spanish liberalism had been trampled by the military boots of General Primo de Rivera, who had disposed of Parliament and governed with the connivance of the King from 1923. Poland, Portugal, Lithuania, Albania, and Yugoslavia turned to different forms of authoritarianism in the 1920s too. The crisis of liberal democracy and the increasing interest in authoritarianism in European societies justified the publication of an expanded edition of Schmitt's *Die Diktatur*. The book now included a chapter on Article 48 of the Weimar Constitution, which conceded extraordinary (dictatorial) powers to the President of the German Reich. Within a few years, Germany was transformed into a dictatorship as well —partially by Presidential abuse of Article 48— and more broadly Europe and the world were grappling with an authoritarian plague. Despots —rather than simple dictators if we follow Schmitt's thought— such as Hitler, Mussolini and, later, Franco and others —leaving aside Stalin's communist rule in the Soviet Union— placed the entire European continent —except Switzerland, Britain, Ireland, and a few Nordic reserves of democracy— under the rule of right-wing authoritarianism by 1940.

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3 For this characterization, see Levitsky and Way (2010). See also Rafferty, Vervaeke and Dart's chapter in this volume.

## Interpreting the Interwar Rise of Authoritarianism

The history of the interwar period is a laboratory to investigate how democracies die. It is not surprising that both political scientists and historians have produced a vast literature dealing with the demise of liberal democracies between 1919 and 1939. Bookended by two world wars and defined by the new international system of independent nation-states devised at the Paris peace conference, the international history of 1920s and 1930s Europe witnessed a nearly continuous crisis, with armed conflicts, revolutions, and civil wars. This epoch was deeply marked by post-war economic and social upheavals, the difficult endings of the Great War —particularly in Eastern Europe— and in the 1930s by the global Great Depression. Historians have generally emphasized the fragility of democratic systems in combination with a crisis of Capitalism to explain in multiple ways the decline of democracy and authoritarian rise.<sup>4</sup>

The work of Gregory M. Luebbert in the 1980s is a paradigmatic example of how the fall of liberalism and democracy in interwar Europe has been understood.<sup>5</sup> Luebbert argued that those countries in which the urban and rural middle classes, on the one hand, and the working classes of cities and countryside, on the other, reached political alliances, stable liberal regimes survived the interwar economic crisis. In contrast, in countries where the urban middle class allied with the family peasantry, fascist dictatorships were created to repress urban and rural workers. These outcomes were determined by political developments that predated the First World War. Only in countries where liberalism had already become hegemonic was a post-war stabilization of liberal democracy possible. And in countries where liberal democrats were not dominant before the war, a strong working-class had to ally itself with the class of farmers against the interests of the urban middle class, to establish social democratic regimes (Scandinavian countries were an example of this). Alliances of the urban workers and the rural proletariat, however, provoked strong antidemocratic reactions of the urban and rural middle classes, which led to fascist dictatorships. Luebbert's interpretation emphasized the structural and economic crisis as a breeding ground for authoritarianism and fascism, but also pointed at the maturity or otherwise of liberal democratic institutional regimes as crucial factors.

Sociologist Juan Linz, a theorizer of the differences between authoritarian and totalitarian regimes, also highlighted institutional and political elements that facilitated the link between economic crisis and the establishment of fascist dictatorships. In Linz's view, the instability of parliamentary government, and the political and institutional context, were variables that determined the success of fascist movements. As Linz pointed out, presidential democracies like Weimar —those in which the Presi-

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<sup>4</sup> Carr (1946), Hobsbawm (1994), Mazower (1998), Gerwarth (2016), Gerwarth (2007), Berg-Schlosser and Mitchell (2000).

<sup>5</sup> Luebbert (1991).

dent is a chief executive elected by popular vote— are more likely to degenerate into authoritarian regimes. But also, strongly parliamentary democratic systems in inter-war Europe, like those of the Baltic states, showed an instability that itself became a factor for the attractiveness of pro-authoritarian movements.<sup>6</sup> To this day, many other political scientists examining the inter-war period emphasize the institutional weaknesses of inter-war democracies, particularly when they inherited conservative military, judicial, and bureaucratic elites from previous regimes, as a fundamental cause of the collapse of democracy and rise of fascist dictatorships in its stead.<sup>7</sup>

As historians recognize, the breakdown of liberal democracies was closely connected with the rise of fascism, a political phenomenon first emerged in post-war Italy. It is therefore important to understand historical developments there. A constitutional monarchy with a tradition of parliamentary institutions, and a victorious country in the First World War, Italy granted male universal suffrage in December 1918. A few months after the signature of Versailles, in November 1919, Italian Socialists, many of them enthusiastic about the Russian revolution, and Catholics of the new Partito Popolare Italiano, were the great victors of national elections. These facts in themselves call into question the cliché of crediting the rise of fascism and the destruction of Italy's democracy to an alleged national 'humiliation' at Versailles. The "mutilated victory" was a myth created by nationalists when Italy was not rewarded with all the border territories that nationalists claimed for their country as victors of the war. In reality, however, Mussolini's fascists were very unsuccessful with their ultranationalism until late 1920, and then, it was not the myth of the *vittoria mutilata* which best caused their rise, but rather violent anti-bolshevism and social counterrevolution. 'Real' fascism was a bourgeois reaction against the socialist empowerment of the *biennio rosso* of 1919–1920.<sup>8</sup> Paramilitary violence against the left, the Italian army's lenience and even sympathy for the fascist blackshirts, and ultimately the connivance of the King brought Mussolini to power in October 1922; the March on Rome was the culmination of a *coup d'état* in slow motion with all the traits of a civil war.<sup>9</sup>

However, let us now examine the conventional narratives and explanations given for the fall in the 1930s of three democratic republics of the kind that emerged after the upheaval of the First World War: the Weimar Republic in Germany, the Austrian Republic, and the Spanish Second Republic.

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6 Linz (1980), Linz (1994).

7 Berman (2019) 214–256.

8 De Felice (1965); De Felice (1966).

9 Fabbri (2009).

## Weimar

From its origins, Weimar Germany, the ‘Republic without Republicans’, was saddled with the widespread perception that German democracy had been a product of defeat, and in more extreme views, of an alleged treason or ‘stab in the back’ of socialists, Bolsheviks and/or Jews. In reality, democracy emerged from the military collapse of the German Empire and the political revolution of November 1918 involving the abdication and flight of the Kaiser. Enthusiasm for the democratic revolution and the coming of Social Democrats to power after the armistice quickly turned sour. The new government’s violent crushing of a more radical communist (Spartacist) revolution in January 1919 would leave deep scars within the political left. The fact that the republican government, and its Social Democrat minister Noske, employed volunteer units (the *Freikorps*) set up with the remnants of the defeated Imperial army to destroy the communist revolutionary threat, and that great excesses were committed in the process, such as the murder of Spartacist leaders Karl Liebknecht and Rosa Luxemburg, added to the foundational problems of Weimar. These traumatic events created an unbridgeable cleavage between two strands of the left – communists and social democrats. Furthermore, the treaty of Versailles, signed in June 1919, was widely seen as an injustice imposed by the allies. The extreme right soon organized its own opposition to the new democracy, with its first serious putsch in March 1920 by nationalists Walther von Lüttwitz and Wolfgang Kapp, supported by groups of young soldiers whose prospects for a professional military life were destroyed by defeat and the treaty of Versailles. Founding Weimar was a complex process marked by the violence that the new German state had to use to legitimate itself.<sup>10</sup>

The intricate problem of the payment of war reparations imposed on Germany by Versailles, or rather – as historians argue – the unwillingness of German governments to service the bill tallied up by the allies,<sup>11</sup> was behind further turbulences in 1923. This year started with a German default in reparation payments to France, followed by the aggressive reaction of the French, who launched a military occupation of the German coal-producing region of the Ruhr, adjacent to France. The ‘passive resistance’ of the Germans against the humiliating occupation accompanied a massive upsurge of German nationalism but also led to a hyperinflation crisis. By the summer of 1923, the German currency was virtually worthless, with the exchange rate with the American dollar reaching truly astronomic figures. In this context, there was further agitation by multiple anti-Republican groups, including high-ranking officers of the German army. The economic downturn also fuelled the anti-system communist party (the KPD) and its insurrectional and revolutionary practices. Separatist agitation in the Rhineland and Bavaria compounded the situation. The crisis unravelled in November 1923, when Hit-

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<sup>10</sup> Jones (2016).

<sup>11</sup> Marks (1978).

ler, the leader of the ultra-nationalist and antisemitic NSDAP, then a Bavarian-based party, staged a coup in Munich in collusion with General Erich Ludendorff. Due to rivalries between Hitler and other anti-Republican rightists, namely Gustav Ritter von Kahr who then held executive power in Bavaria, the putsch was a fiasco. Hitler would be soon imprisoned. Paradoxically, the use of extraordinary powers granted by the Weimar constitution, a practice often blamed for the demise of democracy in the 1930s, helped Republicans to survive the ordeal in 1923.<sup>12</sup> German democracy was again saved.

After the 1923 crisis, with the new international settlement of Locarno and having renegotiated reparation payments through the Dawes plan, the German Republic stabilized. These were the golden years of the Weimar Republic, and the 'roaring twenties' for the buoyant United States, a country that provided investment and loans to the German democracy. But under this surface, authoritarianism subsisted. In 1925, the unfortunate death of President Friedrich Ebert, a Social Democrat, led to Presidential elections that were won by Marshall Paul von Hindenburg by a tight margin. The octogenarian Hindenburg was far from a committed democrat and represented the authoritarian Prussian and Imperial past. He was the candidate supported by the anti-Republican right. His figure would prove decisive later in the demise of German democracy.

The next episode in the rise and fall of German democracy was the Great Depression. The New York stock market crash of October 1929 led to a sudden withdrawal of American loans from Germany, and to industrial collapse and rapidly rising unemployment. By March 1930, the German coalition government of Social Democrats with centre and liberal parties had collapsed, unable to agree on which anti-crisis policies to enact. The preferences of the conservative Hindenburg proved crucial. He supported a new cabinet by centre Catholic Heinrich Brüning, whose drastic measures, when not approved by a parliamentary majority, would be simply imposed by Hindenburg using the emergency powers granted by Article 48 of the Weimar Constitution.<sup>13</sup> This was both ominous for democracy and damaging for the famous Weimar social-welfare state, which was quickly dismantled. However, the German economy did not improve, and unemployment still stepped up. The shocking result of this process was that, in the Reichstag elections of September 1930, the anti-system parties of left and right, the communist KPD and the fascist NSDAP, made enormous gains, particularly the Nazis, at the expense of other right-wing parties, mobilizing millions of new voters affected by the depression.

Greatly encouraged by these electoral results, the Nazis continued rising, while the German economy went from bad to worse. In the summer of 1931, an interna-

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<sup>12</sup> Jones (2023).

<sup>13</sup> For a comparison between the use of emergency powers by Hindenburg and in the Roman Republic see Wilde (2015).

tional financial crisis had a devastating impact on German banks. By the end of that year, the Nazis and their brownshirt paramilitaries, the notorious SA, had become an enormous anti-system movement from below. Hitler benefitted from his great demagogic skills and charisma to mobilize millions of votes. In the new Presidential elections of 1932, Hitler stood as a candidate, challenging Hindenburg who, paradoxically, revalidated his mandate thanks to the votes of many Social Democrats, Catholics and Republicans. On the left, communism also continued to grow. Both communists and Nazis contributed to the inability of parliamentary politics to stabilize the country and the economy. But the gains of the Nazis were far more significant than those of the KPD. In new Reichstag elections in July 1932, the NSDAP became, by far, the largest party in the Chamber. In the peak of their success, Nazis obtained 37 per cent of the ballots. This was the outcome of a massive 'protest vote'. Considering the NSDAP's extraordinary strength, Hindenburg was willing to bring the Nazis into a coalition government led by conservatives, but the Nazi leader fanatically rejected any position other than Chancellor of the Reich. Weimar Germany was already becoming an authoritarian regime by the decisions of Franz von Papen, Hindenburg's right-wing Chancellor with no party affiliation, who systematically used Article 48 to govern. These power elites, however, considered the Nazi political program unrealistic. Considering that the Nazis aimed for a total repudiation of international treaties, and a dictatorial government that—in Hitler's words—would make (left-wing and Jewish) "heads roll", Hindenburg decision not to appoint Hitler chancellor in mid-1932 was reasonable. It was great blow to the Nazis. In November 1932, elections again were held, which showed a significant decline in Nazi vote. The KPD, in contrast, managed to maintain its rise. Hitler's negotiations with Hindenburg came to nothing. It was Hindenburg's adviser, General Kurt von Schleicher, who assumed the Chancellorship in another 'presidential cabinet' above parties. Hindenburg did not want give Hitler the opportunity to establish a party dictatorship, but Germany was turning, however, into a "competitive authoritarian" regime, in which the elites were excluding the masses and dispensing with party politics.

Eventually, Hitler made it to the highest office, not as a result of the electoral successes of the Nazis, but by a change of mind of the power elites. As Hindenburg was now unwilling to dissolve the Reichstag and breach the Weimar Constitution by postponing new elections, as Schleicher had requested, Schleicher resigned. To overcome this impasse, the President was convinced by Papen to appoint Hitler Chancellor. Historians agree that this was the result of a miscalculation. Hindenburg and Papen had thought that making Hitler Chancellor would give the government a substantial mass support for its policies, while Hindenburg as President and Papen as Vice-Chancellor would manipulate Hitler from behind the scenes. A number of non-Nazi ministers in the cabinet would allegedly restrict Hitler's power. Tragically, Hitler was not to let himself be managed by conservative elites. Motivated by his fanatic fascist, antisemitic ideology and his wildly ambitious ultranationalist aims, Hitler initiated a profound political revolution that was to bury the Weimar Republic. Starting immedi-

ately upon his appointment with a crackdown on communism and the left, Hitler's complete "seizure of power" (*Machtergreifung*) lasted a few months. Within two months, he had obtained dictatorial powers, with the passing of the Enabling Act (*Ermächtigungsgesetzt*), a legal instrument that, as Kit Morrell shows in her chapter in this volume, could be used, as it was by Hitler, to destroy democracy. After Hindenburg's death in August 1934, Hitler absorbed the powers of the President of the Reich, which allowed him to become *Führer* of his totalitarian regime.<sup>14</sup>

## The Austrian Republic

Interwar Austria has been characterized —paraphrasing writer Robert Musil's masterpiece— as a "land without qualities".<sup>15</sup> Often, the historical relevance of the Austrian Republic in interwar histories commences after Hitler's seizure of power, since in March 1938 Austria would be swallowed by Nazi insatiable expansionism through the Anschluss or Austro-German union. After 1945, Austria was unduly presented as the "first victim of Hitler". But its status in the history of Nazism and the Second World War is far more complicated — as the notoriously prominent role of Austrian Nazis in the Holocaust, and the fact that many Austrians enthusiastically supported Hitler's Anschluss (himself an Austrian citizen until 1932), should remind us. As we will see, the Austrian Republic fell under right-wing authoritarianism well before the arrival of the Nazis.

Since its foundation in 1919, the territorially diminished Austria suffered from structural problems. Its overgrown capital Vienna, no longer the head of an Empire, was still a thriving cultural centre, with a large working class, illustrious Social Democratic politicians, and influential Jewish elites, but the city starkly contrasted with the traditionally rural, deeply Catholic and conservative countryside of the Alpine republic. The economy of inter-war Austria reflected such geographical imbalances and was enormously dependent on international loans. Significantly, it was the victors of the Great War, France and Britain, not the Austrians themselves, who showed most interest in maintaining Austria independent. Preventing Anschluss was the main reason why the allies wanted to keep the Austrian Republic afloat. Most Austrians, in contrast, believed in unification with Germany, even if substantial historical, religious, and administrative differences separated Austria from her northern, predominately Prussian and protestant Germanic brother. During the 1920s and up to 1938, anything important that happened in the politics of the Weimar Republic had direct echoes and consequences for Austria. An example of this level of interdependence is the deep impact of the Great Depression on both Germany and Austria. A financial

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<sup>14</sup> Kershaw (1999) 379–526.

<sup>15</sup> Beller (2006) 197–247.

crisis initiated in May 1931 with the failure of the main Austrian bank, the Credit-Anstalt, started a chain reaction leading to a run on all German banks during that summer, which aggravated the appalling economic conditions of the Weimar Republic. The subsequent electoral successes of Hitler's party in Germany were also followed by a rise of the Austrian NSDAP in Austrian elections. From this point of view, the similarities in the fate of both Republics are unsurprising.

Like in Germany, increasing political influence of conservatives and long-term decline of social democracy characterized politics in inter-war Austria. As the Great War ended, Social Democrats were protagonists of the formation of the Austrian democracy. But after 1920, Austrian politics were dominated by the Christian-Social party, representing the Catholic conservative countryside. Christian-Socials kept socialists out of government. Social Democrat power became circumscribed to their electoral bastion of 'Red Vienna'. In contrast, in the Austrian countryside, a right-wing paramilitary movement, the Heimwehr, akin to the Christian-Socials but more radically anti-socialist, proliferated. In fact, the Heimwehr was seen as representative of fascism in Austria. Its members maintained a latent civil war against socialists with important outbursts of violence, such as the Vienna riots of July 1927. This event marked the beginning of a Heimwehr political rise. In 1930, the paramilitaries made it for the first time to government posts, in coalition with Christian Socials. And when the political and economic crisis of Austria aggravated in 1932, with unemployment rising above 15 per cent, a new Christian-Social Chancellor, Engelbert Dollfuss, initiated an intense collaborative relationship with the Heimwehr. By then, however, enemies of the Heimwehr and Dollfuss were not only Austro-Marxists, but the rising Austrian Nazi movement. Austrian Nazis, contrary to the Christian Socials and Heimwehr, aimed to end Austrian independence to join a Nazified German Reich.

In this ominous context, Dollfuss took ever more significant authoritarian steps from his arrival to power as Chancellor. In March 1933, shortly after Hitler had seized power in Germany, Dollfuss dissolved the Austrian Parliament. Parliamentary politics was thus abandoned, replaced by a regime of "Austro-fascism". In May 1933, Dollfuss instituted the Vaterlandsfront, a sort of unified militia-party. In June 1933, a Concordat was signed with the Pope, which increased Catholic influence in Austria. In September 1933, Dollfuss announced the formation of a *Ständestaat*, a corporatist system that aligned with the systems adopted by Fascist Italy and other 1930s dictatorial regimes around the world. In imitation of the Nazi swastika, Dollfuss introduced the *Krückenkreuz* (crutch cross) as the new symbol of his regime. The final showdown with Socialists was on 12 February 1934, when Dollfuss' government and the Heimwehr provoked, and then crushed, a socialist uprising in Linz. More than a thousand people died in this short civil war. In its wake, the Social Democratic Party was abolished. A concentration camp was created at Wöllersdorf, where not just Nazi subversives but also communists and socialists were interned. A new authoritarian constitution was imposed on 1 May 1934, articulating Austria as a corporatist regime. By the time Dollfuss was murdered by Austrian Nazi terrorists during an NSDAP *coup d'état*

in July 1934, Austria was no longer a democratic Republic. The country became ruled by Chancellor Schuschnigg, who changed no direction. Thus, by 1936, with the formation of the Rome-Berlin Axis, “Austria was well and truly boxed in”.<sup>16</sup> Under German Nazi pressure, Schuschnigg had to comply and accommodate pro-German leaders into the government, as well as release thousands of Nazi political prisoners. The Heimwehr’s influence decreased in favour of the German Nazi way, until a full dissolution of the Austrian paramilitaries happened in October 1936. In April 1937, when Italy finally acquiesced to the Nazi demands of accepting an Anschluss (in exchange for leaving South Tyrol to Italy), the fate of Austria, Anschluss to Hitler’s Germany, was sealed.

## The Spanish Second Republic

In the case of Spain, a peculiarity of the inter-war breakdown of liberalism is that it occurred twice. From 1875 to 1923, the Spanish constitutional order under Bourbon kings Alfonso XII and Alfonso XIII was characterized by limited suffrage, rigged elections, and many arbitrary privileges for the Monarch. While Spain did not participate in the Great War, it was deeply affected by a multifaceted crisis from 1917. Social and political movements for democratization gradually obtained institutional change, but there was significant resistance from traditional elites, including the land-owning aristocracy, important sectors of the army, and the pervasive Catholic church. In September 1923, to resolve the persisting crisis in the country with an authoritarian turn, Alfonso XIII supported the coup of General Primo de Rivera and ended Parliamentarism. For some time, Spain became the vanguard of authoritarian politics in 1920s Europe.<sup>17</sup> Primo’s military dictatorship, however, failed to grow deep roots, particularly among the younger generation of Spaniards. Primo’s model of authoritarian nationalism finally collapsed at the end of 1929. And the fall of the dictator would soon bring down with it the Monarchy itself. Many liberals who had strived to democratize Spain, like intellectual Manuel Azaña, fully embraced republicanism when Alfonso XIII showed his intention to support dictatorship again. Thus, republicanism became synonymous with democracy. Within a few months after the end of Primo, Spanish democrats, socialists, and republicans had gained such traction among the population that, in April 1931, local elections delivered a crushing defeat for Monarchist parties. These elections provoked the voluntary departure of Alfonso XIII from Spain and the declaration of the Second Republic, a new democratic regime that soon adopted a modern and progressive constitution. This republican democracy, however, was to be destroyed in 1936.

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<sup>16</sup> Beller (2006) 226.

<sup>17</sup> Quiroga (2022).

The most common historical narratives of the fall of the Spanish Second Republic highlight endogenous factors.<sup>18</sup> The Republic was challenged from the beginning from both the right and left. That the Constitutional Assembly enacted a “Law for the Defence of the Republic” that could abrogate fundamental rights was not a good symptom. In fact, authoritarian Monarchist military officers conspired to overthrow the regime since 1931. They first attempted to do so in August 1932. Catholics were outraged by the political and mob anticlericalism manifested in those years in Spain, and soon organized their own mass political party, the CEDA, which was analogous to the Austrian Christian-Socials. CEDA leader José María Gil Robles was seen, for good or bad, as the Spanish Dollfuss. There was also a Traditionalist and paramilitary movement, Carlism and its *requetés* militiamen, predominant in some regions like Navarra, which was extremely reactionary. In addition, small fascist movements emerged from 1931. In 1933–1934 a fully-fledged Spanish fascist party, Falange Española, was formed, led by José Antonio Primo de Rivera, the son of the former dictator. From the left, an anarchist mass movement, including a violent revolutionary elite and a strong trade-union (CNT), was opposed to the bourgeois republic. Communism was very weak, but the Socialist Party was divided between a reformist and a more intransigent wing. The more radical Socialists adopted a revolutionary rhetoric and went as far as to launch an insurrection in Asturias in October 1934. This popular uprising had the aim of preventing the participation in power of various CEDA ministers in a cabinet with centre-right Republicans. It was believed that the ascent of Gil Robles to power, who hoped to end democracy, would sound the death knell of the Republic. Whereas the Asturias uprising was perhaps an overreaction, the savage military repression that quelled it—conducted by the Spanish army with General Franco’s elite colonial units—confirmed that the Republic was in danger of destruction at the hands of army generals and fascists.

But democratic politics continued in Spain, even if with great instability of government. Mirroring what happened in other European republics at the time, including France, various governments had to be formed in quick succession while mass parties became increasingly polarized. A corruption scandal in 1935 also damaged the prestige of bourgeois republicans. The middle classes started to massively support the right-wing CEDA, which evinced fascist-like paramilitary traits. A great electoral showdown between the right and the left-wing Popular Front came in February 1936, resulting in a momentous victory of the left. The political right, however, immediately turned to non-democratic and violent means to overturn the Popular Front government. After months of conspiracy, the final coup came from the army, in collaboration with civilian far-right, fascist, and conservative groups. This anti-Republican coalition was led by a group of high-ranking military officers, General Franco among them, who rebelled in all Spanish regions and the Moroccan protectorate between 17

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18 Casanova and Gil Andrés (2014) 107–158; Casanova (2010).

and 19 July 1936. The coup failed in important regions as well as in the main capitals Madrid and Barcelona, thus failing to overthrow the Republican regime. Yet, the rebels did not surrender. The generals entrenched themselves in a Junta in Burgos, and in Morocco and the South. Meanwhile, in Republican territory a revolutionary situation developed, as the Republic had to arm the left-wing organizations of the Popular Front, including anarchists, to fight the rebels. This was the beginning of roughly a thousand days of Spanish Civil War. Eventually Franco and the rebels were victorious, thanks to both the direct support of Nazi Germany and Fascist Italy, as well as the non-intervention of Britain and France. Between 1931 and 1936, the Spanish liberal system experienced the same kind of instability and institutional crises as other inter-war republics, leading to the end of democracy. As Francisco Pina Polo notes in his chapter in this volume, polarization was at the roots of the conflict, but the story of the Spanish Second Republic is one of destruction of a democracy by the force of arms; the experience of civil war was the foundation for four decades of dictatorship.

## Reinterpreting the Interwar Rise of Authoritarianism *Transnationally*

Until recently, both the traditional historiographical narratives and the theories of political scientists have remained firmly entrenched in a vision of the past that assumed the nation-state as the fundamental unit of historical analysis. The histories and theories of the breakdown of democracy in the inter-war period were histories and theories of how some countries turned to authoritarianism while others survived as democracies. Thus, the history of Germany, or the history of Italy, were compared to the histories of France or Britain. Sometimes, the histories of Italy and Germany were compared between themselves. But rarely narrative and analysis deviated from the storyline of how well, or how bad, a nation-state's political system fared. Historiographical nationalism was the unspoken norm, and the discussions about national exceptionalism, and *Sonderweg* (special path), were at the order of the day in most historiographies. (Surprisingly, nobody seemed to realise that if every country's history is "exceptional", none of them truly is). Another characteristic of traditional scholarship was assuming pre-conceived "ideal types" of political regimes, ideologies, and movements as a premise to understand historical processes. Most importantly, a great deal of ink was spent in carefully establishing an absolute, static distinction between 'fascism' (or totalitarianism) and authoritarianism. 'Defining' fascism was perhaps the most important objective of the historiography for decades, with a climax in the 1990s, when several important contributions in this regard were published. However, trying to establish essential differences between 'right-wing authoritarian' and 'fascist' parties and regimes through fixed definitions, typologies, and classifications proved frustrating; never a true consensus on this question —although Griffin's often

quoted definition of fascism dominated much of the field— satisfied the heterogeneous community of historians.<sup>19</sup>

Since the early 2000s, however, there was a crucial epistemological turn in historiography. This is the development of *histoire croisée*, *Transfergeschichte*, or transnational history.<sup>20</sup> Overcoming the fixation, even common among comparativists, with the nation-state as a unit of analysis, processes of interaction, exchange, mutual influence between national spaces or countries came to the fore. Soon, transnational history was applied to the study of fascism (and authoritarianism) as well.<sup>21</sup> As I have argued elsewhere, by realising the omnipresence and relevance of transnational processes—formerly discounted by historians as anecdotal or tangential to the core historical narratives and sometimes relegated to the traditional sub-field of diplomatic history— historians have come to understand the past of fascism in a very different way:

Previously historians believed that fascism had emerged as a solution to the interwar crisis in different European nation states; ‘native’, ‘home-grown’ fascist movements, unique ultranationalist revolutionaries, spontaneously reacted to endogenous national problems and attempted a counterrevolution or national rebirth with different degrees of success. After the transnational turn, historians instead see fascism as a single transnational and global phenomenon that violently expanded throughout Europe and beyond by processes of transfer, mutual inspiration, hybridisation, interaction, entanglement and cross-border exchange.<sup>22</sup>

Transnational research on the history of fascism has contributed to better understand the so-called ‘nature’ of fascism, or rather to realise that there is no such. Cross-border mobility, transfer, and exchange, even within single countries, involved processes of hybridization, re-contextualization, amalgamation, co-production, leading to very different manifestations and outcomes in inter-war Europe.<sup>23</sup>

Political scientists have recently incorporated the findings and perspectives of transnational history into their theories about the fall of inter-war democracies. Building on recent historiography, Kurt Weyland has shown how waves of (what he terms) “isomorphic emulation” in the aftermath of the 1917 revolution, Mussolini’s March on Rome in 1922, and Hitler’s seizure of power in 1933, led to the proliferation of both communist revolutionary and fascist-inspired movements in the interwar period. “Cognitive-psychological mechanisms” were crucial in the resulting assault on democracy. While learning from transnational historians, Weyland, rejects these same historians’ notion of hybridization, and claims that a clearly differentiated “conservative authori-

<sup>19</sup> Passmore (2014); on historiographical “consensus” and its conditions, see Tucker (2004) 23–42.

<sup>20</sup> By now there is a vast literature on transnational history; introductory works are Iriye (2012); Sautner (2013).

<sup>21</sup> Reichardt and Nolzen (2005).

<sup>22</sup> Alcalde (2020).

<sup>23</sup> Kallis (2021), Kallis and Costa Pinto (2014) 1–12.

tarianism” was another product of the wave of reactions and overreactions to the rise of both bolshevism and fascism.<sup>24</sup> Not based on empirical research of the past, however, Weyland fails to adequately portray the entangled relations between authoritarianism and ‘fascism’ and their highly interconnected reality. Yet, Weyland’s book pays due attention to processes of “diffusion” that explain, better than older structuralist models, the authoritarian fever of interwar Europe.

My concluding argument in this chapter is that the historical process of decline of democracy in Europe, particularly the destruction of three democratic Republics in Austria, Germany, and Spain, was a direct consequence of the violent rise of Mussolini’s fascists in 1921 and their seizure of power of October 1922. The Great Depression and the weaknesses of liberal parliamentary regimes made for fertile terrain, but the influence and direct intervention of fascism beyond Italian borders was the factor *par excellence* facilitating the authoritarian turn. Theoretical differences between ‘fascists’ and ‘authoritarians’ did not matter much in this process. It was the impulse of a ‘fascist’ far-right transnational vanguard, by various mechanisms, which drew the entire right-wing political and ideological spectrum of Europe towards authoritarian solutions.

Historians have often remarked that the March on Rome turned Mussolini into an example to follow by all nationalists and right-wing movements in Europe, particularly in Weimar Germany.<sup>25</sup> This is certainly true also in the case of Austria and Spain. By the autumn of 1923, with a similar timing, the putsch of the ‘Bavarian Mussolini’, Hitler, and the military coup of the ‘Spanish Mussolini’, Primo de Rivera, were imitative responses to Italian fascist success. Nazism has been usually seen as a “fascist” movement that emerged simultaneously yet independently in Germany in parallel to Italian developments. However, transnational research has shown that the fame of the Italian fascist reaction against socialism and communism had transcended borders by 1921. German perceptions of Mussolini’s fascists were the key factor that, by Hitler’s initiative, transformed the small antisemitic sect that was the NSDAP into a ‘fascist’ party with an aggressive paramilitary branch (the SA), under a single charismatic leader. The Nazis adopted the violent tactics, discourse, and style of fascism only after the successful example of Italian fascism was well known in post-war Munich.<sup>26</sup>

Of course, being Italy a neighbouring country, fascism became very well known, and studied, by right-wing paramilitaries in Austria. The Heimwehr fell gradually under the influence of Mussolini. This process intensified after July 1927, when the Heimwehr demonstrated its capacity for anti-socialist violence. By the end of the 1920s, having Mussolini fully consolidated his regime, Italian fascists were providing

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<sup>24</sup> Weyland (2021).

<sup>25</sup> For instance, see Woller (1999).

<sup>26</sup> Alcalde (2018).

weapons and funds to the Heimwehr. With this practice, Mussolini hoped to weaken socialism (his main ideological enemy) in neighbouring Austria, as well as prod the Austrian Republic to undertake pro-authoritarian reforms. The strategy worked, and by 1930 the Heimwehr, turned into a pawn of Mussolini's interests, had conquered government posts.<sup>27</sup>

The strategy was soon applied to Germany, where fascist agents, particularly Major Giuseppe Renzetti, the head of the Italian Chamber of Commerce in Berlin, established numerous contacts, relations, and friendships with the German anti-Republican right, especially with the leaders of the Stahlhelm (a right-wing veterans' organization), the German Nationalist People's Party (DNVP), and increasingly from 1930, with Hitler and the Nazis. Hermann Göring, for example, maintained an intense relation with Renzetti, and it was through Renzetti that Hitler and Mussolini initiated a secret correspondence in 1931. Mussolini gave his advice to Hitler about how to achieve power to create a fascist-inspired state.<sup>28</sup> Arguably, Hitler's strategy of 'all or nothing' to be appointed Chancellor reflected the advice of Mussolini, who had been appointed Prime Minister in 1922 and had witnessed the failures of his followers of the Heimwehr to grab power in Austria.

For Mussolini, Hitler's rise in Germany was both a blessing and a curse. That his pupil had made it to power officially demonstrated the 'universality' of fascism that Italians had so loudly proclaimed since 1929. Since the early 1920s, encouraged by the Italian turn to nationalism, Hitler had maintained that Germany had to become an ally of Italy to destroy together the *status quo* of Versailles and Locarno. Hitler openly expressed his determination to abandon the ethnically German population of South Tyrol, a province of Italy, in fascist hands, as an acceptable price for Italo-German understanding. However, Hitler's ultranationalism kept in the horizon the German Anschluss with Austria. And here geostrategic interests clashed with those of Italy. Italy wanted an independent, small, and fascist-friendly Austria as a barrier against a reinforced nationalist and expansionistic Germany. There were two immediate consequences of this divergence after 1933. First, during 1934–1935 Fascist Italy and Nazi Germany were rivals and their relations sometimes risked war, until a rapprochement started in 1936. Second, Austria became subject to ever increasing pressure from Italy to "fascisticize". The gradual creation of an Austro-fascist authoritarian regime was the product of the transnational influence and intervention of both Fascist Italy and Nazi Germany in their neighbouring country. For Austria, the context of the Great Depression and the flaws of a democratic constitution were merely contextual historical factors in the collapse of democracy, compared to the far more decisive cross-border interaction with fascist and fascist-inspired regimes.

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<sup>27</sup> For evidence of all this, see the *Documenti Diplomatici Italiani* (1952–), Settima Serie, vols. IX, X, XI; see also Edmondson (1978).

<sup>28</sup> Schieder (2005); De Felice (2013).

By 1936, Germany and Italy had improved their relations, mainly due to the international ostracism Mussolini was subject to after the brutal Italian invasion and conquest of Ethiopia. But the alliance between Hitler and Mussolini was going to solidify in another war scenario: Spain in the summer of 1936.

Like in the rest of Europe, Spanish right-wing radicals had been inspired by the rise of fascism and Nazism. They openly hailed the fascist model of dictatorship as the substitute for the despised republican democracy. Like other leaders of fascist parties in Europe, Falange's chief José Antonio Primo de Rivera, received money from Mussolini. The Duce maintained contacts with Spanish anti-Republic conspirators since at least 1932.<sup>29</sup> Members of the Traditionalist *requeté*, for instance, received support and training in Fascist Italy. There were important motivations for Mussolini to exert influence in Spanish politics. Not only there was ideological solidarity with the Spanish right; a democratic and French-friendly Republic in the Western Mediterranean also disrupted Mussolini's international strategy and the status of Fascist Italy in the *mare nostrum*. Mussolini was determined to help in the destruction of a democratic Spain.<sup>30</sup> As historian Ángel Viñas discovered in 2013, a few weeks before the outbreak of the Spanish Civil War, Spanish authoritarian monarchists signed a contract with an Italian company for the acquisition of military aircraft.<sup>31</sup> And when the military coup came and failed in July, rebel leaders rapidly sent emissaries to both Rome and Berlin to obtain military aid and diplomatic support from the fascist powers. While no significant contacts had been established between the conspirators and Nazi Germany, Hitler readily accepted to send aircraft and weapons to the rebels, particularly to Franco. And simultaneously, Italian planes also started to arrive to rebel Moroccan bases. Franco's obtention of foreign help to sustain the anti-republican insurrection, and the use he made of German and Italian aircraft to transport his elite colonial troops to the peninsula and advance brutally against Madrid, were crucial factors in his ascent to power in the rebel coalition.<sup>32</sup> Historians agree that it was only Nazi-fascist support that allowed Franco to escalate the failed coup into a civil war and eventually win the conflict by 1939.

The thick network of transnational relations between fascist-inspired far-right movements in Europe, having its centres of gravity in Rome after 1922, and also in Berlin after 1933, was a fundamental factor in the gradual demise of democratic regimes in Europe between the wars. In a first stage, transnational communicative processes of ideological transfer and inspiration, emulation and imitation, adoption and adaption, were crucial for the proliferation throughout Europe of anti-democratic movements and parties. In a second stage, direct cross-border contacts, collaboration, international activities, as well as rivalries and perceptions of threats from abroad,

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<sup>29</sup> Saz (1986).

<sup>30</sup> Viñas (2021).

<sup>31</sup> Viñas (2019).

<sup>32</sup> Preston (1993).

contributed decisively to radicalization and the advance of right-wing authoritarianism, of which the magnetic model of fascism was the vanguard and lodestar. After two phases marked by transnational ideological influence and cross-border political activism, a third stage commenced for the destruction of democracy. This was direct military aggression, which opened the darkest chapter of the modern history of Europe and the World.

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Lisa Hill

# How Republics Die: The Corrosive Effects of Election ‘Conspiracism’

**Abstract:** Political disinformation is a growing threat to the proper functioning of representative democracies the world over. A particularly pernicious form of disinformation is election conspiracism or ‘denialism’ whereby it is claimed that the election has been rigged, usually by those entrusted to manage the election. In the following discussion I combine two theoretical frameworks to understand the problem and to explore its harms: the first enlists contemporary theorising about how democracies are set up to be eroded endogenously; the second enlists an Aristotelian or proceduralist conception of democracy in order to assess the harms in the context of the purpose and function of elections in authentic democracies. I suggest that the main harm lies in the tendency of election conspiracism to erode trust in election procedures which leads, in turn, to a cascade of other damaging effects: the de-legitimation of election results, dangerous social conflict and instability, an undermining of the authority of the electoral victors, the manufacture of the perception that elections can no longer perform their intended function, lower voter turnout, and the introduction of institutional ‘reforms’ that suppress turnout still further. These tendencies work, over time, to damage both the ideal and existence of democracy as a constitutional form and thereby foster authoritarianism. We might think of this dynamic as “Caesarism” or “popularly-backed dictatorship” which Annelien De Dijn explores in this volume, citing the examples of Julius Caesar and the two Bonapartes as “democratic despots” who successfully overthrew the rule of the aristocracy with the aid of the people.<sup>1</sup>

## Introductory Remarks

Political disinformation campaigns are an increasing threat to the legitimacy of democratic processes. An especially pernicious form of election disinformation is ‘election conspiracism’ or ‘denialism’ whereby it is claimed that the election has been rigged or ‘stolen’.

In this paper I combine two theoretical frameworks to understand the problem and to explore the harms to representative democracy of election conspiracism: the first enlists contemporary theorising about how democracies are set up to be eroded endogenously; the second enlists an Aristotelian or proceduralist conception of de-

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<sup>1</sup> See Simonton’s chapter in this volume for how and why the pattern of democratic decline was different in ancient Greece.

mocracy in order to assess the harms in the context of the purpose and function of elections in healthy democracies. I lay out the character and extent of the problem, then show how it is undermining democracy. I suggest that its main harm lies in its tendency to erode trust in election procedures. This, in turn, leads to a cascade of other damaging effects: the de-legitimation of election results, dangerous social conflict and instability, an undermining of the authority of the electoral victors, and the manufacture of the perception that elections can no longer perform their intended function. All of this then further damages representative democracy by evoking electoral withdrawal and fuelling institutional ‘reforms’ that seek to suppress turnout even more. These tendencies work, over time, to damage both the ideal and existence of democracy as a constitutional form and to invite authoritarianism.

In recent elections throughout the democratic world we have seen worrying demonstrations of the extent to which disinformation campaigns can distort democratic processes and undermine their legitimacy. The problem was especially pronounced during the 2016, 2020 and 2024 US Presidential election campaigns. An especially pernicious form of election disinformation is ‘election conspiracism’ or ‘election denialism’ whereby it is claimed that the election has been ‘rigged’. Disinformation campaigns have always plagued democracy; however, the advent of digital publishing, easy access to a digital commons and technological innovations like AI have created ideal conditions for the spread of denialist disinformation.

In this chapter I focus on the character and effects of election conspiracism in the US context where the problem has been especially pronounced. In particular, I discuss the harms of election conspiracism of the ‘stolen election’ type with a view to showing how this form of disinformation contributes to ‘democide’.

## Democratic Breakdown and Democide

There is much discussion in this volume of how the Roman republic tipped into decline and was eventually extinguished. But how does a modern republic die? For Ko Maeda<sup>2</sup> there are two main types of democratic breakdown: the first is an exogenous breakdown effected illegally and unconstitutionally by forces outside democratic processes and norms and which disregard the authority of elected governments. A typical example is a military coup. Historically this has been regarded by scholars as the most common form. The second type is less well studied and understood, partly because it has generally been assumed that “democracies do not self-immolate”. This second type has been labelled “endogenous termination” although others like Mark Chou and John Keane use the term “democide”.<sup>3</sup> Until recently, democide re-

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<sup>2</sup> Maeda (2010) 1129.

<sup>3</sup> Chou (2013); Keane (2009).

ferred to the killing of a person or people by their own government. But political theorists have recently ascribed to it this newer meaning: *democratic suicide*, the killing of democracy by self-destruction. As the term suggests, it is possible for a people to “murder” their own democracy by legal, democratic means; that is, by using the institutions and processes of democracy against it. Indeed, Chou suggests that democracies, by their very nature, are set up to potentially “die by their own hand”.<sup>4</sup>

Elections are the beating heart of representative democracies and play a central role in constituting and establishing their legitimacy. Yet, they can also be the means by which democratically elected leaders and voters themselves are responsible for democratic backsliding and democide, as happened to the Weimar Republic at the hands of Adolf Hitler and the National Socialist German Workers’ Party. Of course, as Ángel Alcalde carefully demonstrates in this volume, the rise of authoritarianism in Germany, as well as Austria and Spain, in the 1930s was not simply a result of the electoral defeat of democracy. Nevertheless, it played a big part. Once voters have delegated power to authoritarian leaders, endogenous termination can be hastened by suspensions of the constitution, suppressing or outlawing political opposition, placing restrictions on free speech and the mass media and engineering election results.<sup>5</sup> Elected leaders can subvert democracy legally in ways that are approved by the legislature or condoned by the courts and they are often justified as ostensible efforts to enhance democracy through the elimination of corruption or strengthening the integrity of the electoral process.<sup>6</sup> This death by many *legal* cuts has an obvious analogue in the case of the ancient Roman republic, as explored by Kit Morell in her chapter in this volume. Morell offers a nuanced account of how a republic can transition to a principate incrementally by legal means, or what she refers to as “enabling laws”, creating the impression that rule of law is still alive and well even as the sovereignty of the people is steadily eroded. With particular reference to electoral processes, this type of behaviour, whereby incumbents skew the democratic rules in their own favour, is sometimes referred to as “competitive authoritarianism”, and is discussed by Rafferty, Vervaeke and Dart in their chapter in this volume regarding transition from republic to empire. As they argue, the Pompeian *ambitus* law is prime example of how seemingly benign legal reforms around electoral competition can be used for authoritarian purposes to eliminate or weaken rivals.

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4 Chou (2013) 12. *Comp. Agr.* 3.5, where Cicero rails against the statute law that late in 82 BCE invested L. Cornelius Sulla (cos. 88) with an unprecedented plenipotentiary dictatorship as a law “establishing a tyrant in a Republic”.

5 Maeda (2010) 1129.

6 Levitsky and Ziblatt (2018) 3–5.

## Democide

Democide is not, as might be thought, that rare. In fact, nearly half of the democratic terminations that occurred in the last fifty years were effected by democratic processes.<sup>7</sup> Against the received view that democracy, once firmly established, is a highly resilient and virtually permanent feature of advanced economies, we must now face up to the reality that it is far more fragile than we ever imagined, capable of being “undone by un-scrupulous elites who use the institutions of democracy to slowly but surely” destroy it, even in older, well-established democracies.

By asserting executive power prerogatives and relying on partisan allies within the legislature, leaders can pass laws that hamstring the press, disenfranchise voters, and weaken opposition parties. Moreover, the rules for institutional change can be used to enervate the institutions—courts, local governments—that dare challenge them.<sup>8</sup>

Through attacks on norms, the “stealthy” use of institutional rules and “relentless formal institutional change designed to enervate the opposition” democracy’s institutions are used against it in order to undermine it.<sup>9</sup> For John Keane: “democracy as we now know it in all its geographic and historical variations” stands poised to “slit its own throat or quietly take its own life in an act of ‘democide’”.<sup>10</sup>

All of the above has been taking place in the US (and to a generally lesser degree in other settings) but one commonly overlooked technique in the burgeoning literature on democide is the use of election disinformation to debilitate democratic institutions and processes. In this paper I explore how disinformation—in the form of election conspiracism and denialism—powerfully weakens the legitimacy of democracy’s key moment: elections. Through a series of cascading effects this assault on legitimacy invites authoritarianism and threatens the very survival of democracy.

## Democracy’s Achilles Heel

There are two aspects of representative democracy that make it vulnerable to democide. First, democracy places power in the hands of electors who are at liberty to vote democracy out of existence. Second, democracy is also predicated on a highly permissive speech environment. Therefore, democracy contains the seeds of its own destruction. Tolerance for dissent and even extreme views, extensive speech freedoms, a faith in the speech market—added to which is the power and right of the people to

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<sup>7</sup> Chou (2013) 11.

<sup>8</sup> Gandhi (2019) 11.

<sup>9</sup> Gandhi (2019) 13; Levitsky and Ziblatt (2018).

<sup>10</sup> Keane (2009) xxxii–iii.

vote for anti-democratic governments—are both strengths and weaknesses of democracy. As democracy’s great enemy Joseph Goebbels once said: “This will always remain one of the best jokes of democracy, that it gave its deadly enemies the means by which it was destroyed”.<sup>11</sup> It pays to bear in mind at this point that Goebbels also famously coined an adage that refers to how such a process can be hastened: “If you tell a lie big enough and keep repeating it, people will eventually come to believe it.” Together these two statements encapsulate the problem with which this chapter grapples, namely, the dangers of the interactions between democratic elections and the lies told about them.

I start by showing that the main harm of election conspiracism lies in its tendency to erode trust in election procedures which, in turn, leads to a cascade of nine further and closely related harms, some of which are predictable while others are less so. Specifically, loss of trust in the procedure caused by “stolen election” narratives leads to: (1) the de-legitimation of election results (2), leading, in turn, to what Aristotle described as “political tragedy”, that is, social instability, political violence, class warfare, and increased polarisation (3). These trends both reflect and exacerbate the fourth harm which is to cause democratic elections to appear to fail at their primary intended function, namely, to produce a legitimate outcome that allows for the peaceful transfer of power from one regime to the next (4). Over time, these tendencies delegitimise democracy as a form of rule (5) and (6) erode the democratic values of accountability and rule of law.

Less predictably, loss of faith in the procedure also raises the information costs of voting (7) which, along with loss of trust, evokes electoral quiescence among those most in need of the protection that voting can afford (8). Finally, election conspiracism leads to harm (9): the cynical introduction of unnecessary electoral ‘reforms’ that are really forms of voter suppression intended to skew electoral outcomes and concentrate power still further. All of these effects enhance the power of those authoritarian actors and leaders who are generally the source of the election disinformation in the first place.

## The Problem

Since the 2020 US presidential election unsubstantiated accusations of electoral fraud or ‘stolen elections’ have become increasingly normalised. Election denialism is on the rapid increase as the information environment becomes more open again. At the mid-term 2022 US primaries at least 120 of the nominees were on the record as election denialists.<sup>12</sup> Nearly 300 election conspiracists ran for state and congressional offi-

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<sup>11</sup> Goebbels, quoted in Bracher, Funke and Jacobsen (1982) 16.

<sup>12</sup> Rakich and Rogers (2022).

ces in 2022, promoting false allegations such as “rampant ballot stuffing at drop boxes” and claims that electronic voting machines are vulnerable to fraud.<sup>13</sup> *The four most common* “sticky” false narratives put about during the 2022 election cycle were: “conspiracy theories depicting voting machines as vehicles for widespread voter fraud, false claims that mail voting and drop boxes are insecure, baseless accusations of votes cast by noncitizens or with the names of dead people, and false claims of fraud in vote counting”.<sup>14</sup>

Although many election denialists did poorly in these and other US elections in 2022, they continued to pose a significant threat during the 2024 Presidential election.<sup>15</sup> Since Elon Musk took ownership of Twitter, he has reinstated prominent election deniers like Rep. Majorie Taylor Green as well as Donald Trump himself. Musk’s overhaul of the verification system, including his dismissal of many moderators, has allowed election denialism to proliferate.<sup>16</sup> Similarly, YouTube has reversed its 2020 policy of removing videos that falsely claim that the 2020 US presidential election was stolen.<sup>17</sup>

The advent of artificial intelligence, meanwhile, can and will exacerbate the problem exponentially. For example, Amazon’s Alexa has been disseminating the falsehood that the 2020 Presidential election was stolen from Donald Trump.<sup>18</sup> Although some candidates see AI as a means for reducing campaign costs and analyzing data cheaply, it also has the capacity inflict widespread damage. As Rick Hasen puts it: “An unflattering fake video, an email blast full of false narratives churned out by a computer or a fabricated image of urban decay can reinforce prejudices and widen the partisan divide by showing voters what they expect to see”.<sup>19</sup> Even those behind the technology, such as the chief executive of OpenAI, Sam Altman, whose company developed ChatGPT, informed a US Senate subcommittee that he had significant concerns about its effects during the forthcoming election season.<sup>20</sup>

Refusing to accept election results is a major tool of election denialists. Many candidates pre-emptively predict fraud as a means by which to not only degrade faith in elections, but to prime the electorate for their future intentions to refuse acceptance of the result. A Trump-endorsed GOP nominee in Arizona, former news anchor Kari Lake, suggested, with twisted logic, that she would not accept the results of her upcoming election if she lost since her loss would constitute self-evident proof of interference. “If we don’t win, there’s some cheating going on. And we already know that”

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<sup>13</sup> Karalunas and Weiser (2023).

<sup>14</sup> Karalunas and Weiser (2023).

<sup>15</sup> Verhovek (2023).

<sup>16</sup> Swenson (2023).

<sup>17</sup> Bond (2023).

<sup>18</sup> Zakrewski (2023).

<sup>19</sup> Hasen (2023).

<sup>20</sup> Hasen (2023).

she said prior to the polls closing on primary day. After winning the contest Lake declared that “[w]e out-voted the fraud, we didn’t listen to what the fake news had to say”.<sup>21</sup> It is unclear whether Lake was now admitting that the vote-fixing was not as systemic or effective as she had claimed. What “fake news” she had in mind was also unclear.

Stretching credulity still further, election conspiracism is now even being extended beyond the fixing of elections to conspiracies about the fixing of reports about its legal consequences. At a recent Town Hall meeting in Ravalli County Montana that was organised to confront election officials with accusations of interfering with the 2020 election result, one member of the public was met with a hostile reaction when he questioned statements being made. Pointing out that “Fox News had paid out a \$787.5 million settlement to Dominion for broadcasting election fraud claims”, Mike Webber was shouted down by the audience with the claim that there had, in fact, been no settlement and that the stories about the settlement were more “fake news”.<sup>22</sup>

In the current information environment where spreading untruths is so easy, this problem can only get worse. The media landscape and its political economy have enhanced the willingness and ability to supply election denialist narratives. But it also has to be said at this point that election conspiracism is not just a supply-side problem; it would be far less damaging were the public themselves less willing to consume and embrace such narratives.

## Democide and the Decline in Public Virtue

The election conspiracism story has a problematic, potentially intractable *demand* side to it relating to the fact that news consumers evince two divergent—even contradictory—motivations: first, to know the truth (receiving the “truest” signals from media firms) and, second, having their heterogeneous priors affirmed by corroborative sources.<sup>23</sup> The reality is that cognitive dissonance and confirmation bias significantly affect our news consumption decisions.<sup>24</sup> In short, there are perverse incentives within the information market to produce inaccurate and untrue information that confirms prior beliefs about the world. The news market responds to demand. For example, throughout the final three months of the 2016 US Presidential election, many influential false news stories were found to have originated from Veles, a small, eco-

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<sup>21</sup> Dent (2022).

<sup>22</sup> Abell (2023).

<sup>23</sup> Braun and Eklund (2019).

<sup>24</sup> Pennycook and Rand (2021).

nomically depressed town in North Macedonia. Notably, the key motivation for producing the disinformation was not even electoral distortion but purely financial.<sup>25</sup>

Not only do people want their biases confirmed, but many no longer care about values like truth and democratic accountability even when they suspect the information is inaccurate. As US Pollster and Communications Strategist Frank Luntz recently put it: “accountability used to be one of the highest values for Republicans – equality for Democrats, accountability for Republicans”. But they are increasingly less interested in calling dishonest leaders to account: “In three words: *they don’t care*”. Accountability is a declining value because many no longer value the “truth” or the “facts”.<sup>26</sup>

So, a decline in the kind of public virtue necessary for healthy democratic functioning, an increasing willingness of political elites to spread disinformation, coupled with perverse incentives within the information market leads to the production of inaccurate and untrue information that confirms prior beliefs about the world.<sup>27</sup>

## Harms and The Purpose of Elections

I now turn to a discussion of the harms or long-term effects on democracy of election conspiracism. The best place to start in assessing that harm is to consider it in the context of the intended *function* or purpose of elections within authentic democracies and the accompanying standards for judging whether an election outcome should be accepted as authentic. For democratic proceduralists, a political system cannot be legitimized unless the *process* that establishes it is legitimate and, importantly, is also *seen to be* legitimate. By this I mean elections, the agreed procedure in representative democracies for determining who will hold office. Obviously, within a representative (i.e. procedural) democracy, this requires that elections—the primary mechanism for making binding decisions on members of a *demos*— are properly managed and are free from corruption and interference so that the result can be judged authentic and binding. In order to legitimise the authority of the governing regime, the people have to agree among themselves and with each other that the declared electoral victor should be governing. In other words, the people must recognise that the established process was correctly enacted and that the majority did, in fact, consent to the outcome.

In order to fully appreciate the purpose of democratic elections it is worth reflecting on the intellectual history of the idea of democracy and elections as procedures.

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<sup>25</sup> Hughes and Waismel-Manor (2020).

<sup>26</sup> Luntz (2023).

<sup>27</sup> Braun and Eklund (2019).

Democratic proceduralism can be traced all the way back to Aristotle (384–322 BCE) who conceived constitutions, not as means for arriving at correct public decisions (as per Plato and subsequent epistemic democrats) but as mechanisms for accommodating and limiting the negative effects of social inequalities, power asymmetries and self-interestedness that seemed to be inevitable facts of political life. Politics, Aristotle argued, is fundamentally about struggles for power; therefore the primary purpose of the constitution is to manage and distribute that power so as to minimise and regulate the quite natural conflicts between competing interests. Aristotle offered a radical challenge to the Platonic claim that democracy is a mechanism for making “correct decisions” and generating truth according to standards “that are independent of ( . . . ) procedures” used.<sup>28</sup> On this latter account, democracy is to be judged according to its *outcomes*; its capacity to promote wise decisions and laws<sup>29</sup> rather than the manner in which the decisions were arrived at. So long as the decisions made serve the interests of the people in general, the aristocratic bias in such an approach is tolerated and the means for arriving at the decision is less important.

Aristotle disagreed, arguing instead that because disagreements were an inevitable and natural feature of political life, the constitution should aim to contain and manage these facts of life through agreed procedures. On this account, the “correct outcome” (the existence of which Aristotle denied anyway) is beside the point; instead, if everyone has an equal say and an equal stake in the procedure for making public decisions, the society can forestall instability, corruption and class warfare, all of which for Aristotle, came under the heading “political tragedy”.<sup>30</sup> So, democracy is best thought of as a method for managing conflict and avoiding political tragedy by securing the consent of the people. When everyone’s equal voting power is expressed through a legitimate process that expresses their liberty and equal power,<sup>31</sup> the transference of power from one regime to the next can occur peacefully. Democracy is therefore understood as a substitute for civil violence, class warfare, military government, and revolution.<sup>32</sup> In permitting the peaceful transference of power the electoral victor is now able to govern in an atmosphere of political and social stability.

In Robert Dahl’s more recent rendering of democratic proceduralism, representative democracy is best defined and realised by the correct performance of certain procedures for decision making, which – in electoral democracies—consists in adhering to correct procedures for electing representatives. On this view, if we follow democratic procedures faithfully—in this case, the established voting method – the final

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<sup>28</sup> Saffon and Urbinati (2013).

<sup>29</sup> Estlund (2008) 97–98.

<sup>30</sup> Saffon and Urbinati (2013).

<sup>31</sup> Note that Aristotle did not favour pure democracy, preferring instead a mixed constitution. His opinions here refer to the democratic component of his constitution.

<sup>32</sup> Much later, Karl Popper agreed that democratic elections are the best and perhaps only way to rid ourselves, peacefully, of governments and leaders: Popper (1962).

result will be democratically legitimate and the result will be accepted.<sup>33</sup> But if doubt is cast on the integrity of the procedure, the harm to democracy and democratic legitimacy is significant and social conflict will inevitably follow. Having outlined the importance of procedures for democratic legitimacy and overall functioning, I now unpack the character of and relationship between the harms to procedural democracy inflicted by election conspiracism.

## Nine Harms

**1. Undermines Faith in Election Processes.** First and most obviously, election conspiracism erodes faith in the election process. Even prior to the 2020 Presidential election, about half of self-identified Republicans expressed the belief that American elections are “massively rigged”.<sup>34</sup>

**2. Delegitimises Election Outcomes.** Loss of trust in the electoral procedure, in turn, delegitimises election outcomes. Of course, de-legitimation is precisely what contemporary election conspiracism is out to achieve: that “is its product”.<sup>35</sup> Repeated claims of “stolen elections” during the 2020 US presidential campaign generated distrust around the integrity of the electoral process and cast widespread doubt on the authenticity of the declared result. One poll found that 30% of Americans—including 68% of Republicans – “believe that Joe Biden only won the presidency because of voter fraud”.<sup>36</sup> Even some electoral authorities bought into this conspiracy theory.<sup>37</sup> In most states, the chief election official is the Secretary of State and at least 20 Republican candidates in recent races for Secretary of State roles have declared that the 2020 election was stolen.<sup>38</sup>

**3. Causes Political Tragedy.** When segments of the population feel disenfranchised and shut out of the political process, especially by what they are told is corrupt means on the part of elites, this is seen to violate the democratic equality principle and dangerous instability is the predictable result. Therefore, the belief that the procedure was fixed generates the next cascading effect: problems for incoming governments and “political tragedy”. The violent storming of the US capital on January 6 2021 is the obvious example. President Trump exhorted the protestors to launch the attack on the justification that the election result had been stolen, a false claim since the elec-

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<sup>33</sup> Dahl (1979).

<sup>34</sup> Muirhead and Rosenblum (2019) 48.

<sup>35</sup> Muirhead and Rosenblum (2019) 7.

<sup>36</sup> Monmouth Poll Reports (2021).

<sup>37</sup> Brown (2021).

<sup>38</sup> Parks (2022).

tion had been independently verified as having been won by Joe Biden. As a consequence, not only was a dangerous precedent set for healthy democratic functioning, but at least five insurrectionists and police officers died, countless others were wounded, and the lives of senior politicians were imperilled. These events set a dangerous precedent; for example, on the self-reported belief that his electoral loss had been rigged, Solomon Peña, a defeated candidate in 2022 for the New Mexico legislature, orchestrated, funded and participated in a plot to open fire on the homes of four Democratic officials in Albuquerque. The attack was executed with the assistance of four accomplices Peña paid to assist him.<sup>39</sup> Disinformation about the integrity of election processes can therefore lead directly to violence, especially when it is accompanied by encouragement from those with influence to seek redress outside the law.

**4. Causes Elections to Fail in Their Intended Purpose.** The perceived fraudulence of the election outcome causes democratic elections to no longer be able to fill their primary function which is to permit the peaceful transference of power from one regime to the next. ‘Peaceful’ is the operative word here. As mentioned above, according to Aristotle, by giving everyone an equal share in power in deciding who governs us, democracy operates as a mechanism for avoiding social conflict and ‘political tragedy’.<sup>40</sup> This is generally achieved by elections that are both inclusive and, crucially, are *perceived* to have been properly run. After all, the guarantee of stability is a major *raison d’être* for democracies as well as the basis for their success and persistence. The civil unrest itself becomes ‘proof’ that the procedure (and democracy) has failed and even that an authoritarian response might be warranted in order to restore order. This leads to Effect 5.

**5. Encourages Loss of Faith in Democracy Itself.** De-legitimation of elections “poses a unique threat to democracy”, not only because it rejects the rightful authority of the electoral victors, but because it also rejects the very “meaning, value and authority of democratic practices” and institutions.<sup>41</sup> The loss of trust in the election and its apparent failure to permit the peaceful transfer of democracy leads to a generalised loss of faith in democracy as an ideal, including its values and processes. This, in turn, leads to a high toleration for violations of those processes and values, such as the use of violence and an authoritarian willingness to overturn verified election results. For example, Doug Mastriano, the GOP nominee for governor of Pennsylvania, stated that, were he in power, he would have the ability to decertify any election result: “I could decertify every machine in the state with a stroke of a pen”, meaning he could and would overturn election results and “make corrections” to results and “logs”. Denialists running for office in the US are now declaring in their campaigns that they intend

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<sup>39</sup> Gardner and Rosenzweig-Ziff (2023).

<sup>40</sup> Hill (2016).

<sup>41</sup> Muirhead and Rosenblum (2019) 7.

to overturn election results they don't like.<sup>42</sup> There are striking similarities between what is now happening in the US republic and what happened during the descent of the Roman Republic into autocracy. As Tom Hillard and J. Lea Beness explain in their chapter, social unrest and polarization led to loss of trust in democracy, a decline in standards of public civility and waning respect for rule of law on the part of both the people and those leaders with autocratic tendencies.

A collateral effect of loss of trust in electoral institutions is that it “can erode citizens’ perceptions of the legitimacy of other political institutions”.<sup>43</sup> This leads me to Effect 6: the damage to respect for the doctrine of rule of law.

**6. Rule of Law Undermined.** Loss of faith in democratic values, in turn, means respect for rule of law is undermined: if the legitimacy of legislators is not recognised, neither are their laws and those who enforce them.<sup>44</sup> When the electoral outcome is not accepted, the authority of parliament is eroded and legitimate authority is seen to reside with the electoral loser. Notably, electoral losers are more likely to believe in the conspiracy<sup>45</sup> and, in presidential races, the focus is on a wronged single figure. Creeping authoritarianism is the result. The loser, not the legitimate winner, has authority and those associated with democratic institutions “no longer have standing to persuade or legislate, to reason or coerce, to lay claim to our consent or at least compliance”.<sup>46</sup> Practically, it then becomes harder for the genuine electoral victor to govern.

Declining respect for rule of law (and belief in the authority of the loser over the winner) is reflected in some of the tactics now regularly used by election deniers. For example, throughout 2022, officials continued to uncover incidents across the US in which election deniers tried to illegally access equipment and data in an effort to “investigate” the 2020 presidential election results.<sup>47</sup> Other illiberal tactics used by election deniers include: attempts to gain control of election administration; the recruitment of other deniers to serve as disruptive poll workers and watchers; undermining the smooth functioning of elections by deliberately overburdening officials with abusive levels of public records requests thereby causing poll workers to resign; the threat of violence against election workers and the increasing use of violence against election workers, both of which have also led to massive resignations.<sup>48</sup> In one high profile case, Ruby Freeman and Shaye Moss were publicly identified and falsely accused of ballot stuffing by Rudy Giuliani. They were subsequently inundated with rac-

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<sup>42</sup> Dent (2022).

<sup>43</sup> Birch (2010) 1602.

<sup>44</sup> As reflected, for example, in the attacks on police officers who attempted to defend the Capitol in January 2021.

<sup>45</sup> Karp *et al.* (2018).

<sup>46</sup> Muirhead and Rosenblum (2019) 7.

<sup>47</sup> Brennan Center (2023).

<sup>48</sup> Brennan Center (2023); Schouten (2023).

ist abuse and death threats. At one point conceding that his statements about Freeman and Moss were false, Giuliani nevertheless insisted that his actions were unproblematic because he “was engaging in constitutionally protected speech when he levelled the accusations”.<sup>49</sup>

A knock-on effect of these attacks on election officials is that elections are now becoming harder to manage partly because threats and the use of violence against election workers has led to massive resignations.<sup>50</sup> In a sinister self-fulfilling prophecy, this will only exacerbate the perception of impropriety and poor management. I now turn to a discussion of some of the less expected effects of election conspiracism. The first is that it makes the act of voting more costly for individual electors.

**7. Makes Voting More Costly.** Election conspiracism **raises the information costs of voting**. Under modern proceduralist legitimacy standards, election procedures are judged according to “the adequacy of the opportunities they provide for, and the relative costs they impose on, expression and participation by the *demos* in making binding decisions”.<sup>51</sup> In effect, this means that electoral participation should be relatively easy and not costly to individual voters. For proceduralists, voters need reliable information in order to cast an authentic vote. Further, in order for the procedure to be legitimate, the time, money and effort costs of information gathering should be low; everyone should be able to be equally informed and have easy access to the necessary information upon which to base their voting decision.

A disinformation-rich speech environment erodes this capacity because the information costs of getting informed and knowing who to vote for rise considerably. There is a lot more work required in attempting to sift the wheat from the chaff, the truth from the untruths. So, the legitimacy of the election is lower because the costs of participating are too exorbitant. Voters not only have to do the usual information gathering about parties, candidates and policies; they now also have to gain even more information in order to try and work out whether or not the conspiracy theory is true. This is no easy task when that theory is perpetrated by those in positions of authority.<sup>52</sup>

Notably, information costs tend to be higher for the socially disadvantaged who face more challenges in gathering information about politics and voting and are typically less “knowledgeable about politics”; this, in turn, impacts on their electoral participation.<sup>53</sup> Indeed, finding ways to reduce the information costs of voting is often used as a strategy to raise turnout.<sup>54</sup>

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<sup>49</sup> Legare and Ali (2023).

<sup>50</sup> Schouten (2023).

<sup>51</sup> Dahl (1979).

<sup>52</sup> If the accusations stick, this can also have a negative impact on the electoral success of candidates perceived to be party to the conspiracy.

<sup>53</sup> Gallego (2010).

<sup>54</sup> Bhatt *et al.* (2020).

This leads me to Bad Effect 8 of election conspiracism: its tendency to provoke civic withdrawal. False election conspiracism not only creates the *perception* that citizens have been shut out of the political process; it can also *cause* them to be shut out due to the increase in information costs of voting. Furthermore, many shut themselves out on the belief that their voting participation is a waste of time. I now explain how this happens.

**8. Causes Civic Demobilisation.** Election conspiracism not only depresses turnout by making voting too costly but it evokes civic withdrawal by creating the *perception* that voting is a waste of time. In other words, it leads to the disenfranchisement of many voters. For those who believe the stolen election conspiracy, bothering to vote at all becomes a waste of time and energy. It is well known that corruption and low levels of trust in and support for government depresses electoral turnout.<sup>55</sup> One major study in 85 democracies found that compromised electoral integrity depresses turnout.<sup>56</sup> In compulsory voting systems where informal voting is the only legal exit option, it raises the level of informal voting<sup>57</sup> which is a form of voting abstention. However, *perceived* corruption is also known to depress turnout.<sup>58</sup> So even when an electoral system is not, in fact, being hijacked illegally, perceptions, rumours or deliberate disinformation that it is will depress turnout. As Sarah Birch notes: “If voters fear that polls are corrupt, they have less incentive to bother casting a vote; participating in a process in which they do not have confidence will be less attractive”.<sup>59</sup> Ironically, this dynamic has the greatest impact on Republican voters. As David Becker puts it “[t]he campaign to discredit elections has grievously injured Republican voter confidence.” One in six Republican voters report that “they are less likely to vote in the midterms” unless “forensic audits” are conducted nationwide, something that is neither necessary nor likely to occur.<sup>60</sup>

Even when an electoral system is not, in fact, being hijacked illegally, perceptions, rumours or deliberate disinformation that it is will depress turnout. After all, why vote when you “perceive the outcome of the election to be a foregone conclusion”.<sup>61</sup> So, election conspiracism can disenfranchise in two ways:

1. it projects the perception of disenfranchisement (even if you have voted) when none occurred (thereby fomenting discontent, social conflict and polarisation) while at the same time

<sup>55</sup> See Stockemer (2013); Stockemer *et al.* (2013).

<sup>56</sup> Martinez i Coma and Trinh (2017).

<sup>57</sup> Martinez i Coma and Werner (2019).

<sup>58</sup> See Birch (2010); Dahlberg and Solevid (2016).

<sup>59</sup> Birch (2010) 1604.

<sup>60</sup> Becker (2021).

<sup>61</sup> Birch (2010) 1604.

2. *causing* disenfranchisement, particularly among the disadvantaged. This is a seemingly voluntary or self-inflicted form of disenfranchisement (albeit deliberately engineered).

Relatedly, the final harm of election conspiracism is that it is used as a justification for the tightening of voting eligibility rules, thereby suppressing turnout even further and concentrating power in the hands of fewer voters.

**9. Election conspiracism leads to unnecessary electoral reforms that suppress citizen engagement.** Disinformation about the integrity of electoral processes also makes it easier to justify the introduction of unnecessary electoral reforms that depress voter engagement still further. Notably, voters who are electoral losers are more likely to embrace such unnecessary reforms.<sup>62</sup> Since representative democracy is predicated on—even constituted by—the participation of citizens, this has serious implications for the health and survival of democracy.

In 2021, in the aftermath of Donald Trump’s claims of voter fraud, Republican lawmakers initiated the first wave of legislation tightening voting laws. A second wave is currently underway, albeit largely “under the radar”. Republican-dominated legislatures have been passing laws that significantly restrict ballot access “including new limits to voting by mail in Ohio, a ban on ballot drop boxes in Arkansas and the shortening of early voting windows in Wyoming”. According to the Voting Rights Lab, as of May 2023 18 bills in 10 states have been signed into law that will add new restrictions to voting or election administration while in the same period in 2021, 16 restrictive bills in 11 states had been passed.<sup>63</sup> Courts are also being used in attempts to suppress votes. In 2022 there were approximately 93 lawsuits “rooted in conspiracy theories” about voter fraud in the 2020 election that aimed to increase barriers to voting. The majority attacked access to voting in key battleground states such as Pennsylvania, Arizona and Wisconsin.<sup>64</sup> Election conspiracism can therefore lead to both voluntary and involuntary electoral withdrawal/quiescence, an extremely worrying trend since representative democracies rely on citizen engagement for their vitality and even survival.

As social media continues to decrease barriers to entry; as the platforms themselves become more lax about monitoring disinformation; as people no longer care about the truth and wish to consume disinformation; so long as there is money to be made in producing it; as the technology capable of disseminating the lies continues to outpace the technology that can detect and monitor it; and as long as the ‘solutions’ to alleged stolen elections are to suppress the vote and even to attempt to steal or undermine them by lawless or authoritarian means, the damage to democracy will continue unabated.

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<sup>62</sup> Karp *et al.* (2018) 11.

<sup>63</sup> Corasaniti and Berzon (2023).

<sup>64</sup> Karalunas and Weiser (2023).

## Concluding Remarks

The right to vote and the right to political speech are the great strengths of democracy but they are also its great weaknesses and I have explored how easily stolen elections narratives can exploit these weaknesses and destroy democracy from the inside. I argued that election conspiracism produces a multitude of bad effects which contribute to democide. It provokes civic withdrawal from its key moment (elections) through a) its tendency to increase the information costs of voting, b) its tendency to project the perception that voting is a waste of time, and c) by fuelling efforts to suppress the vote by legal, institutional means. It also feeds a loss of faith in democracy as an ideal and as a form of rule, including its values and processes and its reliance on respect for rule of law. This leads to creeping authoritarianism (including promises to de-certify results) and intimidation of election officials.

Election conspiracism inflicts substantial damage upon the conditions that enable democracies — and the elections that are their key moment — to function in a healthy manner and fulfil their original purposes. It pollutes the speech environment that makes easy, effective and enlightened voting participation possible. Post-election it can lead to difficulty in governing for the electoral victors due the consequent delegitimation of their authority. A rise in levels of social instability and even dangerous conflict invites authoritarianism and projects the perception that democracy is unable to serve its primary function. Not only does election conspiracism project the lie that the electoral process was illegitimate, it also contributes, *in fact*, to compromising the legitimacy of the process. It does this by: disincentivising and restricting voting participation; making elections harder to run; encouraging illegal interference in electoral processes; and creating the impression that voting is a waste of time. It therefore not only harms the whole idea of democracy but contributes to its demise in practice.

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## Afterword: Lessons from the Graveyard

What can we learn from the past about how republics die? Historians may debate the accuracy of the records and the validity of inferences based on necessarily ‘partial’ – read: both limited and biased – information. But a more cogent, and perhaps more interesting, question is: assuming we *can* learn something about how ancient republics *died*, does that knowledge hold anything useful for those of us, including the editors of this volume, concerned with how republics *die*? In other words, does or can historical evidence of political processes hold any generalizable insight? What are, as social scientists like to put it, history’s scope conditions? This is a tough question that historical and social scientific methods alike struggle to answer.

It might therefore depress some readers to realize that, once the gnarly question of scope conditions is addressed (if it is addressed), another massive hurdle lies in determining the lessons’ applicability. Let me clarify the distinction: let’s imagine that history teaches us, across a sample of representative cases, that republics die at the hands of populists, does the fact that ancient republics differ from modern republics (for example, they had distinctive institutions, technologies, subsistence strategies, etc.) invalidate the relevance of the lesson for modernity?

Given the challenges inherent in making history not just intelligible but also valuable for present purposes, we should thank the editors for trying, shake their hands for whatever result the reader deems they managed to come up with, trusting in the knowledge that searching for history’s lessons is a fool’s errand. Needless to say, I believe there is more to the endeavor. Historically conscious social science is better, because it is more robust, social science. Social scientists, whether they are willing to acknowledge it or not, need historians: the world, after all, did not pop into existence in 1945, or 1989. But how one searches for history’s lessons matters.

This volume holds some important answers to the questions it raises about the resilience of republics and the threat of authoritarianism – answers that social scientists must pay attention to because they enrich our knowledge of processes we deeply care about. The comparative design goes some way toward addressing the questions of generalizability I discussed above. Finally, there is the issue of applicability, which the editors raise in the introduction: in the conclusion of this chapter, I’ll offer some thoughts as to where I see the work pursued here applicable to modern cases and concerns. Before I get there, I will summarize the lessons we learn from the overview of cases presented in the volume, compare the results to findings in the social sciences (mostly, political science), and evaluate the takeaways from both a historical and a social scientific lens.

## Lessons from the Graveyard

This volume is essentially two books in one: the first provides a complex, nuanced view of the causes of the Roman Republic's death, the second places Rome in a wider comparative horizon.

But what are the hypotheses presented here about how republics die?

### a. The Death of the Roman Republic

The primacy of Rome is well justified in one of the chapters in part 2, where James Tan points out that, "it is no easy feat to find another electoral state that lasts that long and then collapses from within." That is one good reason social scientists should pay attention. And it is also probably why the Republic's slide into authoritarianism has been the object of much attention among classicists as well. But the chapters in the volume do not merely reiterate the well-known theories of the giants of the 19<sup>th</sup> and 20<sup>th</sup> century, such as Mommsen, Finley, and Meier. Instead, inspired by current events and contemporary social science – especially the popular book *How Democracies Die*, by Harvard's Steven Levitsky and Daniel Ziblatt – they break new ground, considering factors previously understudied. Together, they paint a wide canvas that considers many possible drivers of the Republic's fall. Among these are exogenous and endogenous factors, including institutional as well as ideological forces.

The chapters on Rome touch upon several important themes. Vervaeke *et al.*'s initial chapter sets the stage for what follows, suggesting a combination of factors including the unwillingness (rather than inability, as Meier argued) of the Roman elite to promote structural reforms – due to fear of loss of material resources, of status, and of tyrants – but also an erosion of norms, including mutual toleration and forbearance, leading to polarization and factionalism in an increasingly anocratic political system. Similarly, chapters like Morrell's explore the connection between institutions and norms, studying the effect of emergency powers or "enabling laws" on the erosion of republican norms. Indeed, the erosion of norms, especially as connected to the rise of authoritarian and populist leadership, emerges as an important explanation in several contributions, especially those that occupy part 3 of the volume.

Taking a somewhat different but important perspective Tan's chapter brings in political economy concerns, touching upon a limitation of ancient as well as modern accounts of republican death. Political and social actors take center stage in such accounts. But their action and preferences are shaped by economic conditions. Moreover, focusing on economic conditions can help us shed light on the drivers of the behavior of actors beyond major political figures, like the Gracchi or Sulla, such as the Roman peasants, the equestrians, as well as usually marginal actors like the inhabitants of the provinces, or of Italy.

### **b. The Roman Republic in Comparative Perspective**

The “second book” within this volume considers other cases beside Rome, including Greece and other European republics. Here, again, we encounter familiar arguments about the role of populist leaders – or demagogues – in causing democratic/republican breakdown. But as Simonton reminds us, we should pay attention to the different institutional configurations within which populist leaders, then and today, operated, as well as carefully consider their actual impact vis-a-vis a much more powerful threat – that of organized wealth.

When we look at European cases more generally, we begin to see the important role of military conflict and exogenous shocks as a core driver of republican death, as in Venice, France, or among the 1930s republics. Yet, as McPhee reminds us, “French history suggests that republics are not killed by dictators but rather make themselves vulnerable to takeover when their leaders alienate themselves from their constituents by political chicanery, socio-economic exclusion, and military adventurism.” Norms and ideologies, as Alcalde poignantly argues, include transnational (not merely national) ideological factors, like fascism. Once again, the core emphasis is on the links between exogenous and endogenous shocks, institutional and normative factors.

## **What do We Learn?**

In broad strokes, the lessons from the cases discussed in this volume confirm the picture we derive from contemporary social science. External threats and internal fragility driven by a decay of both norms and institutions have combined through the ages to imperil citizens-centered governments, including republics and democracies. This is, in and of itself, an important result: in the past as today, the drivers of republican death have not significantly diverged.

The volume’s findings echo those of contemporary social science: democratic breakdown is more likely in the aftermath of military coups (O’Donnell 1973), or when leaders lose legitimacy and cannot solve political problems (Linz and Stepan 1978), under presidentialism (Linz 1990), when inequality is high (Boix 2003, Houle 2009), or when the country has past experiences with authoritarian institutions (Cheibub 2007). Breakdown also occurs through the erosion of checks on elected leaders (Ginsburg and Huq 2018, Levitsky and Ziblatt 2018, Mainwaring and Bizzarro 2019).

We derive a similar picture from a recent project similar to the one pursued in this volume on democratic breakdown (Fung, Moss and Westad 2024). Collecting 11 cases from around the world (but mostly focused on the 20<sup>th</sup> century, with the exception of 4<sup>th</sup> century Athens and the US during the secession crisis of 1860–1861), the editors stress the role of the erosion of democratic culture as an undercurrent – always a factor, but rarely the only one at play – in all cases studied.

But the devil's in the details. And it is in the details that the historian and humanist thrives. What we gain from this volume is a truly multifaceted, multicausal, and complex view of republican death, especially in Rome. The nuance of the language, of the reading of the relevant sources, of the ability of the authors to articulate chains of events spanning decades and even centuries is a breath of fresh air for those social scientists growing increasingly worried about the dominance of quantitative causal identification approaches sweeping the field of political science and historical political economy.

The rich context reveals a new picture of the institutional underpinnings of Republican survival (and death) in Rome, shedding much needed light on a critical question that has been explored much more in depth in another ancient context – that of Greece: how does a citizen-centered government survive for centuries in the absence of modern institutions, such as political parties, bureaucracies, and free and fair elections? The answer we derive is that this goal was achieved through institutions that differed from those we find in Greece or in modern citizen-centered governments, including strict term limits for office, yielding essentially permanent electoral cycles, as well as the presence of a constant, potential threat of violence shaping political action conducted in the public eye, rather than behind closed doors.

Republican Rome then emerges from the volume as an important case to be filed alongside others in historical political economy evaluating the structures sustaining desirable political and economic outcomes. Social scientific engagement with this and other cases covered in the volume is facilitated by the fact that the substantive context in the chapters' narrative should enable readers unfamiliar with the history to understand the phenomena under analysis without having to resort to external readings.

In providing such a rich historical context, the volume's contributions seek to square the circle of engaging social scientific frameworks, applying them persuasively to a historical context, and deriving implications for modern problems and questions – mostly within the word count. This is a difficult task. And while the volume does, overall, a good job, the question of how to remain true to context while engaging audiences in fields other than (ancient) history remains a challenge that any attempt at social science history must face.

Another challenge is how to provide clear testable hypotheses while remaining committed to the complexity of historical human phenomena and aware of the limitation of the data. Here, perhaps, more could have been done to frame the contributions toward highlighting hypothesis testing and connecting contributions to the same question more tightly to one another. Indeed, serious and ongoing interdisciplinary exchange will require finding a golden mean between different scholarly traditions of research and exposition. The tradeoffs are real, and I am very much aware (because my training is in both disciplines) that this is not neutral advice. After all, disciplinary traditions are embedded in practices and ideologies that inspire and shape them. But

this is, I believe, a necessary step toward an interdisciplinary dialogue that can greatly benefit both the social sciences and ancient history.<sup>1</sup>

Finally, because the chapters center overwhelmingly on Rome, scope conditions are more limited than they would have been had the net been cast more widely. Because the other cases considered are also from Europe/the West, it is difficult to imagine extending the conclusions beyond this part of the world. But it would be unfair to let the volume slide because, like most research on democracies and republics in political economy, economic history, and historical political economy, it focuses on those cases where the evidence is most plentiful. A fairer approach would be to file the findings under the rubric of hypotheses that further testing will help evaluate, disprove, or refine. The applicability of the resulting conclusions will derive from this exercise.

In sum, there is much to like in this volume, which sits within, and contributes to a tradition of social science history that, not always welcome in the humanities, is also too often ignored in the social sciences. I, for one, hope that this effort will be followed by others, and that the dialogue between ancient historians and social scientists can continue to produce new knowledge of how humans can, or fail to, get things done together.

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<sup>1</sup> I have written more about this topic in a blog post on Broadstreet (linked above) and in a contribution to the forthcoming book *Models, Methods, and Morality* (Palgrave 2024), edited by Sarah Murray and Seth Bernard.



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